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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Periodic reports of States parties due in 1997

BELARUS*

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I. GENERAL MEASURES OF IMPLEMENTATION

1. The Convention on the Rights of the Child was ratified by the Supreme Council of the Republic of Belarus on 28 June 1990 and came into force on 30 October of the same year.

2. Belarusian policy on children sets the comprehensive, guaranteed protection by the State and society of the child, the family and motherhood in the present and future generations as its most important political and socio-economic goal. This goal is stated in article 32 of the 1994 Constitution (as amended in 1996) and is pivotal to the Rights of the Child Act, based on the Convention on the Rights of the Child, that was adopted by the Supreme Council of Belarus on 19 November 1993. The Act defines the child's legal status as that of an independent subject; it seeks to ensure that children are physically and morally healthy and to shape a national self-awareness based on the common values of human civilization. It guarantees special attention and social protection for children whose mental or physical development is untypical, children deprived of a family environment and children in other unfavourable conditions or extreme circumstances.

3. As on 1 January 1998 there were 2,558,300 children - 25.53 per cent of the population - living in Belarus. Their welfare depends on conditions within society, on the socio-economic and demographic situation on the concern shown for them by the State and on how, in concrete terms, the requirements of international accords calling for priority to be given to children's rights and interests are respected. Belarus has suffered a notably unfavourable demographic situation since 1993, and the total number of children is declining. Over the period 1994-1997 the number fell by 206,100: 41,800 in 1994, 49,600 in 1995, 54,500 in 1996 and 60,200 in 1997. As a result the proportion of children (aged 0-17 years) in the overall population dropped from 27.19 per cent in 1991 to 25.53 per cent in 1998.

4. A number of measures have been taken to give effect to the Convention on the Rights of the Child and the Rights of the Child Act, with due regard for the recommendations made by the Committee on the Rights of the Child on the basis of its consideration of the initial report of Belarus. First, a comprehensive national action plan for the protection of the rights of the child 1995-2000 covering all aspects of life of the upcoming generation (hereinafter referred to as the National Plan) was approved by Presidential Decree No. 150 of 19 April 1995. Action under the National Plan is coordinated by the Ministry of Education. Senior officials in ministries, other central government bodies and executive bodies bear personal responsibility for implementing measures: to this end, regional programmes have been drafted and approved in the ministries, provincial and district (municipal) executive committees and academic establishments, and the results are assessed annually.

5. Second, the National Commission on the Rights of the Child was created and its rules of procedure and membership confirmed by Presidential Decree No. 106 of 18 March 1996. The Commission is a central public body whose task it is to coordinate the execution of State policy towards children. It is headed by the Deputy Prime Minister. His functions consist in monitoring observance of the rights of the child laid down in the Convention on the Rights of the Child and the Rights of the Child Act; coordinating the work of the ministries, other central government agencies and local executive authorities; designing and carrying out programmes to support children in accordance with established procedure; keeping children, parents and the

general public extensively informed about compliance with the Convention and the Act; organizing various events, including national charitable functions, and so forth. It has been given corresponding powers, and at its first meeting *Semya* ("The Family") was confirmed as its official press organ.

6. Since 1995, in accordance with the National Plan, a special course on the rights of the child has been taught at all educational institutions from the school level up to teacher-training and law faculties and post-graduate teacher-training colleges. During the academic year 1998/99, a special course on human rights was given at general, technical secondary and specialized middle schools and higher educational establishments. The syllabus of these courses aims at acquainting students with virtually all the regulatory instruments affording international legal protection to the rights of the individual, including children, and with national law protecting human rights and the rights of the child within the country. The topic of the rights of the child and human rights is now routinely aired in the course of normal education, in extra-mural activities, at parents' meetings and lectures, in newspapers and magazines, radio and television broadcasts and in people's daily lives. Wording from the Convention and the Rights of the Child Act appears in statutes, charters, declarations, school constitutions and the activities of children's councils and parliaments and youth movements.

7. Between 1995 and 1997 many primers and pamphlets on problems encountered on the "Rights of the Child" course were published for teachers, children, parents and the general public by the Ministry of Education and the National Institute for Education in cooperation with the United Nations office in Belarus, the United Nations Children's Fund (UNICEF), the Belarus Helsinki Committee and the Belarus non-governmental Institute of Jurisprudence; a video film, "Your Rights", was also made. The most recent textbook, *100 Lessons on the Rights of the Child* was published in 1998. All these publications (approximately 20,000 copies) reproduce the texts of the Convention on the Rights of the Child, the Rights of the Child Act and the National Plan. A textbook entitled *Protection of Children's Rights in Belarus*, now under preparation, will also include the text of the Convention and the Act. The Faculty of Philosophy and Cultural Studies at the national High School Institute, Belarus State University, has offered teachers of the rights of the child and human rights courses a permanent seminar on teaching methods entitled "Teaching human rights in Belarus" since 1996 and held seminars on teaching the rights of the child course for social workers and other specialists. The foundations are being laid for students to acquire a grounding in law in the light of international legal documents.

8. In December 1995 the Ministry of Education, the State Press Committee, the broadcaster Belteleradiokompania and the Ministry of Culture held a national-level meeting with journalists on "press coverage of children's problems in the light of the United Nations Convention and the Rights of the Child Act". The upshot was special columns on children's rights in a number of Belarusian periodicals; in 1995 a competition was announced for the best publication in defence of the rights of the child and this was continued in 1996-1998. The results of the competition are announced on the eve of the International Day of the Child, an occasion for wide-ranging events for children all over the country. The Ministry of Education, the Belarusian Children's Fund and the Social Assistance Fund for Belarusian Children and Adolescents, "My-detyam", mount an annual charitable event, "Our Children", in aid of orphans, disabled and sick children. In this way, the attention of governmental bodies and non-governmental organizations is drawn to children's problems (health, nutrition, leisure, education etc.)

9. The National Plan contains a section on the legal enforcement of the Rights of the Child Act. A series of pieces of legislation (called for in the National Plan and elsewhere) were adopted in 1995-1998, providing the legal basis for compliance with the Convention on the Rights of the Child in Belarus.

10. Presidential Decree No. 3 of 8 January 1998 outlining the development of a children's movement in Belarus aims at providing favourable conditions for children's upbringing. The Ministry of Education and the State Youth Affairs Committee have been assigned to devise, in cooperation with other interested organizations, a series of measures for fleshing out the outline in Belarus.

11. The Presidential "Children of Belarus" programme (with subprogrammes "Children of Chernobyl", "Disabled children", "Orphans", "Development of social services for families and children", "Development of the baby-food industry"), approved by Presidential Decree No. 3 dated 6 January 1998, is also intended to uphold children's rights and afford children welfare protection.

12. The "Children of Chernobyl" subprogramme includes a series of measures to provide children who suffered in the Chernobyl disaster with various types of assistance, supply them with food that has medicinal properties, arrange education, carry out research etc.

13. The "Disabled children" subprogramme covers preventive measures against disabilities in children, the development of a system of rehabilitation programmes fostering creative activities among disabled children and encouraging them to take up jobs and sporting activities; the production of special-purpose apparatus and training of specialists for work with sick children; and the organization of research.

14. The "Orphans" subprogramme lists measures to help prevent children being abandoned, develop the physical, legal and methodological capacities to be able to look after orphaned children in appropriate conditions and improve their physical and mental health, settle them with families, increase the number of medical and educational rehabilitation facilities, and train staff to work with orphans.

15. The objective of the "Development of social services for families and children" subprogramme is to set up, operate and develop a superior system of institutions of a new type offering services to families, women and children. The subprogramme calls for the formulation of a modern regulatory framework for social services and sound operating procedures for institutions working in this sphere, which are to receive the full support of the State at the local and regional levels.

16. The "Development of the baby-food industry" subprogramme seeks to provide children with sound, restorative nutrition; there are plans to refit and rebuild baby-food factories, arrange supplies of raw materials for the production of environmentally clean products and develop a new range of baby foods for both healthy and sick children.

17. Presidential Decree No. 46 of 21 January 1998 approved the "Basic objectives of family policy in Belarus" (referred to below as "Basic Objectives"). According to this document, one

principle of State policy toward families is to ensure the survival and protection of every child, and creating conditions in which it can develop physically, psychologically, morally, intellectually and socially to the full irrespective of family or parental status.

18. Targets set in the Basic Objectives include reducing the number of orphans, providing an upbringing for orphans and children lacking parental care, enabling disabled children to be brought up within families and subsequently integrated into society, and reducing the incidence of child neglect and delinquency among children and adolescents.

19. The basic objectives list the following steps to be taken:

- Honouring State guarantees of general education, vocational training and subsequent job placement for minors, particularly orphans and children lacking parental care;

- Providing additional financial support, assistance in kind and services to needy families with children;

- Maintaining preferential treatment in the provision of housing for young families with several children, orphans reaching adulthood and children lacking parental care;

- Developing a network of pre-school establishments under different forms of ownership with flexible opening hours (evenings, during school hours, official days off etc.), of various types (crèches, kindergartens, kindergarten-crèches, child development centres, local pre-school centres) and profiles (general-purpose or with special emphasis on work-based activities, care and rehabilitation, remedial etc.);

- Providing opportunities for children with special needs in their psychological and physical development to be taught at general educational institutions;

- Developing a network of special institutions for disabled children;

- Maintaining free medical care for children;

- Developing a systematic approach to the needs of disabled children and the creation of conditions enabling them to be rehabilitated and integrated into society; improving welfare provision for families bringing up disabled children;

- Setting up a system to prepare young people for marriage and family life;

- Creating specialized educational and medical bodies offering training and care *inter alia* for young offenders whose mental or physical development is untypical;

- Promoting healthy living among family members and positive examples of family upbringing, banning advertisements depicting cruelty, violence, pornography, alcohol and cigarettes.

20. A whole series of legislation has been adopted in recent years to improve the status of children and set up a system for working with the upcoming generation. It includes:

- An Act dated 2 July 1997 amending the State Benefits for Child-raising Families Act: this introduces a new system for calculating allowances, using a minimum consumer budget instead of the minimum wage used before;

- An Act dated 5 May 1998 amending the Housing Privatization Act: a new section in article 15 states that "private title to housing occupied by orphans and children lacking parental care aged under 15 years with no adult family member present shall be vested in the children upon application by their guardian, with the prior agreement of the tutelage and guardianship bodies or at the initiative of those bodies. Title to housing occupied by orphans and children lacking parental care aged between 15 and 18 years with no adult family member present shall be vested in the children upon application by the latter with the agreement of their guardian and the tutorship and guardianship bodies. When orphans and children lacking parental care are placed in a foster (host) family, a family-type or other children's home, a boarding school or other educational establishment at State expense, the tutelage and guardianship body must over the course of six months consider the possibility of vesting in their private title to housing of which they are the sole occupants and, where necessary, take steps to register the privatization and dispose of the privatized property in the interests of the children."

- Presidential Decree No. 321 of 23 August 1996 on the maintenance of free health care for children and adolescents living in settlements previously classified as radioactively contaminated zones;

- Presidential Decree No. 392 of 12 August 1998 on assistance to families with adopted children;

- Cabinet of Ministers decision No. 83 of 7 February 1996 on compensation for the cost of maintaining children receiving State support;

- Cabinet of Ministers decision No. 334 of 22 May 1996 establishing a national children's oncology and haematology centre;

- Cabinet of Ministers decision No. 350 of 3 June 1996 approving the Provisional Regulations on adoption and award of care (guardianship) over Belarusian citizens lacking parental care to citizens of another country;

- Cabinet of Ministers decision No. 593 of 27 May 1997 approving the Regulations on the procedure for granting one paid day off per week to working mothers with three or more children or a disabled child under 16 years of age, and to single mothers with two or more children of similar age;

- Cabinet of Ministers decision No. 113 of 25 August 1997 clarifying the arrangements whereby children can recuperate and receive medical care outside Belarus;

- Cabinet of Ministers decision No. 1136 of 20 July 1998 approving the Model Regulations governing district social service centres for families and children;

- Cabinet of Ministers decision No. 1129 of 20 June 1998 on spa treatment for disabled children up to the age of 18;

- The regulations of October 1997 on local tutors working with children, adolescents and young people;

- The model regulations of 2 October 1997 on local centres working with different target groups of children, adolescents and young people;

- The arrangements dating from 30 June 1997 for providing children from deprived families, invalids and pension recipients with discount-rate or free physiotherapy services;

- An instruction dated 17 April 1997 on protection for the lives and health of children in pre-school institutions;

- The regulations governing the national adoption centre (order No. 473 of the Ministry of Education dated 21 August 1997), diagnostic and rehabilitation centres (order No. 228 of the Ministry of Education dated 3 August 1994), the integration of teaching for children whose mental or physical development is untypical into the ordinary school system (order No. 327 of the Ministry of Education dated 18 August 1995), and the instructions on the provision of individual tuition at home for sick children, children whose mental or physical development is untypical and disabled children (order No. 11-4/296 of the Ministry of Education dated 1 June 1995).

21. The implementation of the Convention on the Rights of the Child, the Rights of the Child Act and the National Plan over the period 1995-1997 was discussed at the Procurator's Office, the Supreme Court, various ministries and other State bodies and at meetings of local executive and administrative authorities. Action under the National Plan was discussed in 1996 at a Government coordinating meeting attended by the heads of all the relevant ministries, other national-level State bodies, local executive committees, the City of Minsk executive committee and many voluntary organizations. In December 1996 the Ministry of Education assessed progress in implementing the Rights of the Child Act and the National Plan in Brest province and found that the results of efforts by the bodies responsible for child protection in the oblast were generally positive.

22. Despite all the efforts being made, however, some problems continue to worsen. The public is particularly worried at the growth in juvenile crime, which has many causes. Under the pressure of social and economic changes industrial output is being cut, unemployment is on the increase and the social standing of families with children is declining. The family is in deep crisis: the numbers of one-parent and unhappy families are increasing along with the numbers of families whose morals and senses of values have been distorted.

23. One way out of the situation is to set up a system providing children, particularly those with difficulties fitting into society or who are in extreme circumstances, with suitable protection and support. Positions for psychologists and social workers are being created at educational establishments and the first social education services, rehabilitation and consultation centres, hotlines and temporary shelters for children have been set up. A regulatory framework is being established to broaden the social support infrastructure. A social services bill devotes particular attention to families, children and citizens fallen on hard times. Experts on family and gender issues have been brought in to work in local executive and administrative bodies.

24. Other problems also demand urgent solutions in line with the Convention on the Rights of the Child. These stem from the need to cope with the aftermath of the Chernobyl disaster, to rescue the country from the current economic crisis and reduce unemployment. The law needs to be amended, new regulations drawn up and existing laws implemented. Work is continuing in this direction.

25. The Belarusian Parliament has passed in second reading a new Civil Code that, compared with existing legislation, considerably increases the rights of minors.

26. Under article 3 of the new text, "civil law as defined in other laws must conform to the present Code". Given the adoption of the new Code, the draft Marriage and Family Code that had been formulated will have to be revised.

27. According to the 1998 legislative timetable, amendments are scheduled for the following bills concerning social development issues:

- Welfare protection for citizens affected by the Chernobyl disaster;
- Protection of disabled people in the Republic of Belarus;
- Fundamentals of State social insurance.

28. A legislative timetable for 1999 has been drafted. To monitor the actual implementation of the Convention on the Rights of the Child, amendments are proposed to the Rights of the Child Act. To ensure that Belarusian law is fully consistent with article 15 of the Convention, the timetable also includes a bill to amend the Voluntary Associations Act.

29. In order to meet children's needs more fully, we need a clear picture of the situation relating to children. A number of different studies are being carried out for this purpose in Belarus, with the publication of statistical data. For instance, every year the Ministry of Education and the Belarusian Children's Fund issue a brochure entitled "The situation of children in the Republic of Belarus". Since 1997 the Ministry of Education has been financing scientific research on the issue of child protection under the 1995-2000 National Plan of Action for the Protection of Children's Rights. The most ground-breaking work, however, was probably that done in 1994-1995, culminating in the issue of the 1995 national report on children and women in Belarus: today and tomorrow. The report was produced by a group of specialists from all the ministries and agencies concerned, as well as voluntary organizations - the ministries of education, labour, health and statistics, the National Academy of Sciences of

Belarus, the Belarusian Children's Fund, etc. The coordinators for Belarus were Ms. E.A. Sivolobova and the Council of Ministers, and for UNICEF, Ms. Rebecca Belanger. Experts said that the report offered a realistic and comprehensive picture of the situation of Belarusian children in a time of profound social and economic change, observing at the same time that wider access to a range of information was necessary for a more comprehensive analysis of the situation of children in the Republic of Belarus.

30. In particular, gender-based processing of statistical data, i.e., with a breakdown by age and sex, is still in its infancy. For this reason, it is difficult in this report to meet all the requirements stated in the general guidelines regarding the form and content of periodic reports, since the statistical services do not always take account of factors such as age, sex, national, ethnic and social origin, family situation and place of residence.

31. The issue of children's rights is aired at various different levels. In June 1998 there were parliamentary hearings on human rights, in which considerable emphasis was placed on the rights of the child in speeches by members of the House of Representatives of the National Assembly, representatives of government agencies and voluntary organizations, and academics. For example, the Procurator-General of the Republic, Mr. O.A. Bozhelko, reported on the findings of an investigation by his office into the decision by a college administration to refuse entry to a young person, thereby violating article 19 of the Rights of the Child Act. Justice was restored in respect of the young person concerned.

32. Courts are increasingly adopting the practice of considering cases by reference to provisions of the Convention on the Rights of the Child and the country's own Rights of the Child Act. For instance, in July 1998 in Brest the district court heard a case concerning the transfer of a 12-year-old child to the mother's custody. Invoking the Convention on the Rights of the Child, and having regard to the boy's own interests, the court decided, in accordance with article 66 of the Marriage and Family Code, to grant the mother's application, which coincided with the child's wishes. The staff of a local education department took legal action to defend the honour and reputation of a pupil at one of the schools in the Lyakhovichi district of Brest province. The application to the court invoked both the Education Act and the Rights of the Child Act (art. 9). Those responsible were dismissed from the school.

33. As already noted, action to protect the rights of the child in Belarus in the years 1994-1998 reflected the recommendations and proposals of the United Nations Committee on the Rights of the Child, which stressed the need for a stronger involvement of non-governmental organizations. Over 100 non-governmental organizations are now playing an active part in implementing the provisions of the Convention on the Rights of the Child and the periodic evaluation of the results achieved at the national and regional levels. The most authoritative of these are the Belarusian Children's Fund, the Social Assistance Fund for Belarusian Children and Adolescents, the Children of Chernobyl Committee, Independent Children's Aid, Nadezhda Express, the national associations of parents of disabled children and of large families, etc. Representatives of these organizations belong to the National Commission on the Rights of the Child. They participate actively in campaigns in support of children, in devising and implementing educational programmes and in drafting and discussing new

legislation. They have also been involved in discussing the content of this periodic report. The further development of cooperation between government agencies and voluntary organizations is one of the strategic goals of the State in protecting the rights of the child.

34. The Republic of Belarus is endeavouring to resolve issues relating to the protection of the rights and interests of the child at the international as well as the national level. On 13 November 1997 the Act on accession to the Convention on the Civil Aspects of International Child Abduction, adopted in 1980 at the fourteenth session of The Hague Conference on Private International Law, was passed into law. Under article 2 of the Act, the central authority for the purposes of this Convention is the Ministry of Justice of the Republic of Belarus. Presidential Decree No. 429, on signing the Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption, adopted in 1993 at the seventeenth session of the Hague Conference on Private International Law, was signed on 20 August 1997. We should also mention the accession by the Republic of Belarus to the Convention on the Recovery Abroad of Maintenance, adopted on 20 June 1956 (Presidential Decree No. 386 of 27 September 1996), which provides arrangements for obtaining the support necessary for a child's development within the financial means of parents who live in different countries.

35. On 8 July 1998 the International Treaties Act was adopted. According to article 15 of the Act, generally recognized principles of international law and the norms of international treaties of the Republic of Belarus which have entered into force form part of the law in force in the territory of the Republic of Belarus. This means that, once the Act enters into force, the status of the Convention on the Rights of the Child changes, and it becomes part of current law. As a result courts in the Republic of Belarus, when dealing with specific cases, can directly invoke the provisions of international treaties if a conflict arises between the rules of international law and the domestic law of Belarus.

36. Accession by Belarus to international treaties, especially those relating to children, the adoption of national legislative instruments and action plans for implementing them, and public awareness of these measures have made it possible to frame priorities for State policy in the field of education and child-rearing.

37. In 1993-1998 Belarus cooperated actively with international organizations and a number of countries (Belgium, Denmark, Germany, Italy, Netherlands, Sweden, United States of America, etc.). This cooperation is developing mainly along the following lines: an exchange of experience of the work of government and voluntary agencies in implementing the provisions of the Convention; holding joint seminars, courses and conferences; the training and retraining of specialists in the problems of child protection; the education and social rehabilitation of disabled children and children with special needs in their mental or physical development; treatment and therapy for children; and intercountry and national adoption. Cooperation with Sweden has proved especially fruitful; the participating agencies were the University of Stockholm, the Swedish State Council on International Adoption (NIA), the Adoption Centre in Stockholm, the Ministry of Education of Belarus and the Belarusian State Pedagogical University. Over the period 1994-1997 five joint projects were carried out, to the value of about 5 million Swedish kronor. These included courses and seminars for Belarusian specialists on such topics as

protecting the rights of children in alcohol-abusing families, protecting the rights of child victims of the Chernobyl disaster, social policy on children and families, etc. The Government of Sweden financed the projects.

38. Since 1993 an international social welfare organization called "Nadezhda Express" "Hope Express" has been working in Belarus. Its leading programmes are "Mother and child" and "Meeting halfway". In 1997 and 1998 the funding for the "Mother and child" programme, which supports children up to the age of one year living in contaminated areas, came to about 1.7 million United States dollars.

39. UNICEF has given Belarus a great deal of assistance in improving the situation of children. Its work in Belarus began with a contribution to the preparation and publication in 1994 of the national report "Children and women in Belarus: today and tomorrow". In subsequent years it cooperated with the Government and with non-governmental organizations in providing humanitarian assistance and supplying medical equipment, vaccines and medicines to maternity homes and children's hospitals; special equipment for disabled children; and clothing, school supplies, teaching materials, sports equipment and much more for boarding schools in the Chernobyl-affected area. In March 1997 the Belarusian field office of UNICEF was set up. Since then, UNICEF has reoriented its activities to supporting programmes and projects to protect the rights and interests of children which have been developed in conjunction with State and voluntary organizations.

40. Since October 1997 joint programmes on such issues as the rights of the child, the health and development of young people and the children of Chernobyl have been implemented in Belarus with the support of UNICEF. As part of these programmes, round-table discussions have been held on current problems in Belarus which affect the situation of children, and training seminars and courses to prepare specialists for work with children in need of assistance and support. A variety of informational materials highlighting aspects of the protection of children's rights has been published and distributed among children and interested persons, representatives of State organizations (doctors, teachers, social workers and staff of law enforcement agencies) and voluntary associations. The programmes also cover the work of youth centres and other centres. In addition, humanitarian assistance has been provided to institutions run by the Ministry of Education. Allocations under all these heads came to US$ 254,805 in 1996, US$ 633,071 in 1997, and US$ 930,685 in 1998, making a total of US$ 1,818,561.

41. The public in Belarus is kept regularly informed of progress in implementing the provisions of the Convention. The initial report of Belarus, and the concluding observations of the United Nations Committee on the Rights of the Child, have been published in a number of periodicals and educational handbooks. The present periodic report is planned for publication as a separate brochure.

II. DEFINITION OF THE CHILD*

Prosecution for criminal and administrative offences

42. The general principles governing the prosecution of minors are laid down in the Rights of the Child Act and are regulated in detail by the Criminal Code and the Code of Criminal Procedure of the Republic of Belarus. Under article 22 of the Criminal Code, the death sentence may not be imposed on persons under the age of 18 at the time of the offence. Persons who have committed an offence when under the age of 18 may not be sentenced to life imprisonment (art. 22 (1) of the Code).

43. The general rule is that criminal liability may be incurred by persons aged 16 and over when the offence is committed. Those committing an offence when aged between 14 and 16 may incur criminal liability for certain grave offences (murder, rape, assault with intent to rob, and robbery).

44. Under article 23 of the Criminal Code, deprivation of liberty is imposed for periods ranging from 6 months to 10 years and, for especially grave offences, offences with especially grave consequences, and especially dangerous repeat offences as defined by the Code, for periods of up to 25 years. For criminal penalties handed down on persons who had not reached the age of 18 when their offences were committed, the period of deprivation of liberty may not exceed 10 years. Persons sentenced to deprivation of liberty or to punitive deduction of earnings for offences committed when under the age of 18 may be conditionally released before the full term has been served, or have the undischarged portion of the sentence commuted to a milder form of penalty.

45. Under articles 12 and 13 of the Administrative Offences Code of the Republic of Belarus, administrative liability may be incurred by persons who had reached the age of 16 when the unlawful act was committed. The measures prescribed in the regulations of the commissions for the affairs of minors (sect. VIII, para. 252) are applied to persons aged between 16 and 18 who have committed administrative offences.

46. Under articles 145 and 160 of the Administrative Offences Code, it is a punishable offence to sell or buy alcoholic beverages on behalf of persons under the age of 21, or for parents or others to cause a minor to become intoxicated.

Sexual relations

47. It is a criminal offence under the Criminal Code knowingly to engage in sexual relations or lewd conduct with a person under the age of 16.

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* Information under this and subsequent headings was submitted in the initial report. To supplement this, we report below on changes which have occurred over the reporting period.

Conscription into the armed forces, participation in military activities

48. Under the Universal Military Duty and Military Service Act, Belarusian citizens aged between 18 and 27 may be called up for fixed-term military duties in peacetime. When mobilization and subsequent conscription are declared in wartime, persons subject to compulsory military service and conscripts may be called up from the age of 18 up to the upper age limit for reservists determined by this Act. In wartime the President of the Republic may lower the age of conscription and raise the upper age limit for reservists.

Civil law relations

49. Under article 447 of the Criminal Code, liability for damage caused by a minor is borne by the parents, adoptive parents or guardians of the minor (or by educational institutions, children's homes or medical establishments, if the minor was in their care at the time the damage was done). Minors aged between 15 and 18 are liable for damage under the usual conditions. If they have no assets or earnings, compensation for material damage must be paid by their parents, adoptive parents or guardians.

50. In the Criminal Code adopted at second reading, the list of circumstances in which full legal capacity may be reached before the age of 18 was extended to cover the following:

- If the minor has been emancipated, from the time the decision on emancipation was taken, a minor who has reached the age of 16 may be declared to have full legal capacity if he or she is working under a contract of employment, or is engaged in self-employment with the consent of his or her parents, adoptive parents or guardians. The declaration of a minor's full legal capacity is made by a decision of the tutelage and guardianship authorities with the consent of both parents or adoptive parents or the guardian and, in the absence of such consent, by court order. The parents, adoptive parents or guardian are not liable for the debts of an emancipated minor, including debts arising from damage caused by such minor;

- For the purpose of minor everyday transactions and the like (transactions undertaken, without remuneration, to generate profits not requiring notarial certification or State registration; transactions for the disposition of funds provided by a legal representative or, with the latter's consent, by a third party for a specific purpose or for the recipient to dispose of at will). These transactions may also be carried out independently by minors aged under 14;

- In making deposits to credit institutions and disposing of them according to law;

- On reaching the age of 16, minors may also join cooperatives.

Employment and recruitment

51. Under article 173 of the Labour Code, no contract of employment may be concluded with persons below the age of 16. With the written consent of one of the parents (tutors or guardians) a contract of employment may be concluded with a minor who has reached the age of 14.

Medical treatment

52. The law of the Republic of Belarus does not place any age restrictions on the right of citizens to have access to information about their state of health. Under article 7 of the Health Care Act, every citizen has the right to receive full and accurate information about the state of his or her health. In addition, under article 4 of the Act every citizen has the right to undergo medical examinations and to receive medical or other health care in any health establishment, depending on its type and capacity.

53. On the subject of medical intervention it is necessary to add that surgical operations, blood transfusions and complex diagnostic procedures may only be carried out on persons under the age of 18 with the consent of their immediate relatives, tutors or guardians. In the event that a delay in carrying out a surgical intervention, blood transfusion or complex diagnostic procedure poses a threat to the life of the patient, and it is impossible to obtain the consent of these persons, the decision is taken by a panel of doctors, or by the doctor in charge if a panel cannot be convened.

Participation in voluntary organizations

54. According to article 9 of the Voluntary Organizations Act, citizens who have reached the age of 16 may join voluntary organizations. Persons who have not reached that age and have the written consent of their legal representatives may join such organizations if their rules so provide. With a view to bringing the Act into conformity with the rules of the Convention on the Rights of the Child, proposed amendments to the Act have been included in the draft programme of bills for 1999.

Choice of religion or attendance at religious schools

55. Under article 8 of the Freedom of Religions and Religious Organizations Act, the State system of education and upbringing in the Republic of Belarus is secular and does not seek to foster any particular attitude to religion. Access to different kinds and levels of education is provided for citizens irrespective of their attitude to religion. Under article 3 of the Act, every citizen freely determines his or her attitude to religion, and is entitled, individually or in community with others, to profess any religion or none, and to express and disseminate convictions associated with his or her attitude to religion. Parents and those in loco parentis are entitled by mutual consent to bring up their children in accordance with their own attitude to religion.

56. Religious organizations whose articles of association (regulations) are duly registered are entitled, in accordance with their own provisions, to set up groups and Sunday schools for the religious education of children and adults, and to provide instruction in other ways.

Use of alcohol

57. Under the Production and Sale of Alcoholic Products (State Regulations) Act of 20 July 1998, in the territory of Belarus the sale of alcoholic products to persons below the age of 18 is prohibited.

III. GENERAL PRINCIPLES

A. Non-discrimination

58. The principle of non-discrimination is enshrined in the Constitution of the Republic of Belarus. Article 22 of the Constitution states that all are equal before the law and have the right, without any discrimination, to equal protection of their rights and lawful interests. Women are guaranteed the same opportunities as men for education and vocational training, in employment and promotion, in social, political, cultural and other areas of activity, and in the creation of conditions to protect their work and health. Under article 42 of the Constitution, women and men, both adults and minors, have the right to equal remuneration for work of equal value.

59. The principle of the equality of citizens irrespective of their origin, social or property status, race or nationality, sex, language, attitude to religion, occupation, place of residence and other circumstances is enshrined in the Rights of the Child Act, State Social Security (Principles) Act, Judicial System and Status of Judges Act, Aliens and Stateless Persons in the Republic of Belarus (Legal Status) Act, Full Employment Act, Militia Act, Public Service (Principles) Act, Procuratorial System Act, Libraries Act, Refugees Act, Freedom of Religions and Religious Organizations Act, Ethnic Minorities Act, Trade Unions Act, Political Parties Act and others.

60. Article 6 (1) of the Labour Legislation Code prohibits discrimination in employment and labour relations on the grounds of ethnic affiliation, sex, race, language, religious or political views, membership or non-membership of trades unions or other voluntary associations or deficiencies of a physical or mental nature which do not impede performance of required duties. During their upbringing and education in educational establishments of various types, children study the goals, principles and provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, and the World Declaration on the Survival, Protection and Development of Children. The provisions of these instruments and aspects of the relations between different racial and ethnic groups are reflected in the curricula and syllabuses of schools and other educational establishments. In these syllabuses, pupils and students are taught about the culture and historical traditions of all the peoples living in the territory of Belarus and learn about the rights and freedoms of citizens irrespective of their ethnic origin. Guidelines for teachers on these issues are to be found in the teachers' handbook entitled *One Hundred Lessons on the Rights of the Child.* More detailed information on how the educational needs of those citizens of Belarus who belong to ethnic minorities are met may be found in chapter VII below (see paras. 206 and 207).

61. With regard to measures adopted pursuant to the decisions of the Fourth World Conference on Women, we should note that, as observed in the Platform for Action of this conference, the denial of educational opportunities is the most widespread form of discrimination against girls in the world. The Constitution of the Republic of Belarus guarantees women the same rights to education as men. Girls have the same access to education as boys. In 1997 the number of girls aged 14 and 15 entering secondary education (day-time, evening and general education schools, vocational and technical colleges and polytechnics) constituted 91.2 per cent of the total number of girls in that age group, and 76.6 per cent of girls aged 17 and 18 - in other words, the overwhelming majority - completed their schooling in the

above-listed educational establishments. The overall proportion of girls among students at secondary level is 56.9 per cent, and at higher level 51.9 per cent. In quantitative terms, girls and women have a higher level of education than their male counterparts. Women constitute 58.4 per cent of the country's workforce with higher education and 65.8 per cent of that with secondary specialized education. In line with new approaches in Belarus, a system of women's secondary education is being developed. This includes specialized secondary schools for girls with curricula designed to prepare girls both for employment and for family life.

62. The Platform for Action also focuses on the need to prevent exploitation of the physical labour of girls. Under the Labour Legislation Code all labour of persons under 18 (irrespective of sex), involving heavy labour and work with harmful or hazardous conditions, working underground or in mines, is prohibited. It is forbidden for minors to carry or to convey loads exceeding established maximum weights. Persons under 18 may only be offered employment after a preliminary medical examination, which must be repeated annually until the age of 18.

63. With the difficult economic conditions currently prevailing in Belarus, the problem of violence against women and girls remains acute. Without any doubt, the most effective means of tackling this problem is by raising the standard of living and social awareness of the population, reducing tensions in society and ensuring that people's social and legal rights are protected without discrimination on the grounds of sex. In 1998, a crisis centre was opened in Minsk for women victims of sexual and domestic violence. Efforts are under way to set up similar centres in the regions as well.

64. As prescribed by the 1996-2000 national plan of action to improve the situation of women and the national programme "Women of Belarus", work commenced in September 1998 on a scientific research project on the social problem of violence against women. The project undertakes, with the use of sociological methods, to investigate the forms, conditions and factors conducive to violence to study its consequences and attitudes to violence and to an understanding of its underlying causes.

65. Specific efforts are being made to improve health care delivery to women and children. Work is under way on the development of a national plan of action for the protection of reproductive health, which will cover various family planning issues, such as the prevention of unwanted pregnancy in girls, sex education for young people and sexually transmitted diseases. The subprogramme for the development of social services for families and children, under the "Children of Belarus" programme, also includes the creation of services to deal with these issues.

B. Best interests of the child

66. As already noted in chapter I, a number of regulatory instruments have been adopted over the last few years to protect the interests of children. These have formed the basis for the creation in Belarus of favourable conditions for the raising of children and for ensuring their social protection and include, in particular, the presidential decrees ratifying the "Children of Belarus" presidential programme and ratifying the main areas of the State family policy of Belarus.

67. For the purpose of implementing the "Children of Belarus" programme, the Government of Belarus adopted a decision on 21 July 1998 ratifying the regulations on local centres for the provision of social services to families and children. This piece of legislation gives local centres for the provision of social services to families and children the status of State social welfare institutions, designed to provide integrated services at the city, district and housing estate level to families and children in need of social support, by providing timely and professional psychological, legal, economic and rehabilitative assistance and other forms of social support. One of the principal tasks of such centres is to identify the needs of specific families and children for various types and forms of social assistance.

68. The State policy for young people, which is underpinned by the State Youth Policy (General Principles) Act, has as its fundamental principle the need to take due account of the interests and needs of young people.

69. The Government of Belarus has adopted a number of decisions with a view to securing the necessary support from ministries and departments for the "My-detyam" ("From us to children") Belarusian Foundation for the Social Support of Children and Teenagers. The Foundation's main tasks are to support children's organizations, initiatives and projects designed to create favourable conditions for the all-round and healthy development of children and to draw the attention of the media, State institutions, non-governmental organizations and the public at large to children's problems.

70. Under the Marriage and Family Code, the views of the child shall be taken into consideration in the following cases:

- When the family name of a minor who has reached the age of 10 is to be changed, that minor's consent must invariably be obtained by the tutelage and guardianship authorities (art. 61);

- The consent of a minor who has reached the age of 10 is necessary for adoption (art. 118);

- An adopted child who has reached the age of 10 may only be given a family name and patronymic and a new first name with his or her own consent (art. 121);

- Where possible, the wishes of a child placed in care must be taken into consideration in the nomination of a tutor or guardian (art. 154).

71. On 16 December 1994, the Plenum of the Supreme Court of the Republic of Belarus adopted a decision determining how the courts are to apply the legislation in settling of disputes relating to the upbringing of children, in which particular stress was laid on the need to take into account the children's own interests. Thus, when settling child-custody disputes between parents living apart, the court must proceed from the principle of the equality of the rights and obligations of the father and mother, established in article 64 of the Marriage and Family Code, in deciding how the child's interests will be best served. The court may also take into consideration the wishes of a child which has reached the age of 10 to live with one or other of the parents, if this wish is in the child's best interest. A request by parents for the return of their

child may only be denied in the event that the court has determined that such return will not be in the best interests of the child. The procedure by which a parent who lives separately from his or her child participates in the child's upbringing shall be determined by agreement between the parents, and, in the absence of such agreement, by the tutelage and guardianship authorities with the participation of the parents, on the basis of the child's best interests.

72. In the event that an adoptive parent should fail to comply with his or her obligations or misuse his or her rights, consideration may be given to rescinding the adoption (art. 132 of the Marriage and Family Code) but not to the deprivation of parental rights. Adoption may only be rescinded by a court in such other cases where this is in the best interests of the child. When deciding whether or not to rescind adoption because of a contravention of the law in the adoption arrangements, the court must take into consideration all the actual circumstances and, in particular, consider whether or not rescinding the adoption will be in the interests of the child. When considering an action for the deprivation of parental rights, the court is entitled, in the interests of a minor child, also to consider an action brought by interested parties for the eviction of the respondent.

73. When considering actions brought under article 76 of the Marriage and Family Code for the restoration of parental rights, courts must establish whether or not the lifestyle of the parents has changed and whether or not they will be able to provide the child with a proper upbringing. Parental rights may be restored if this is in the interests of the child. During the investigation the education authorities shall ascertain the views of the children and their attitude to the parties involved. If the circumstances of the case are such that the court deems it necessary to gain further clarification of the child's wishes, the questioning of the child, in accordance with the child's age and maturity, shall be conducted away from the courtroom in the presence of a teacher or class supervisor, in an environment which shall preclude the possibility of the child being influenced by any interested party.

74. Work is currently in progress on a social services bill in which paramount importance will be given to the provision of social services to minors.

C. Respect for the views of the child

75. In accordance with the model regulations for school councils in general education schools of the Republic of Belarus, ratified by order of the Minister of Education of 14 February 1994, it is recommended that such councils should include not only the teachers and parents of the pupils but also pupils themselves. Pupils shall constitute up to one third of the members of these councils. In this way, pupils will have the ability to influence decisions which affect the conditions under which their school activities are organized.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality

76. As stipulated by article 187 of the Marriage and Family Code, the birth of a child is to be registered in the civil registry offices at the child's place of birth or the place of residence of one or both parents. The declaration of birth is made orally or in writing by one or both parents and,

in the event of the illness or death of the parents or their inability for any other reason to make such a declaration, on the basis of a statement by relatives, neighbours, the administration of the medical establishment in which the mother delivered the child or by other persons (art. 188 of the Marriage and Family Code). A declaration of birth must be made within three months from the date of birth of the child and, for a stillborn child, within three days of the birth (art. 189 of the Marriage and Family Code).

77. Belarusian citizenship is acquired at birth, by registration and by adoption of the citizenship of the Republic of Belarus. A child whose parents, at the time of the child's birth, were citizens of Belarus shall be a citizen of the Republic of Belarus irrespective of his or her place of birth. In the event that, at the time of the child's birth, one of the parents was a citizen of the Republic of Belarus, the child shall be a citizen of the Republic of Belarus if:

- He or she was born in the territory of the Republic of Belarus;

- He or she was born outside the Republic of Belarus but one or both parents were at that time permanently resident in the Republic of Belarus.

78. If a child is born outside the Republic of Belarus to parents who are permanently resident outside the Republic of Belarus and one of whom is a citizen of Belarus, the citizenship of the child shall be determined by decision of the parents set down in writing.

79. If a child is born to parents one of whom is unknown or stateless, and the other a citizen of the Republic of Belarus, the child shall be a citizen of the Republic of Belarus irrespective of place of birth. A child born in the territory of the Republic of Belarus to stateless parents shall be a citizen of the Republic of Belarus. A child physically present in the territory of the Republic of Belarus and born to unknown parents shall be a citizen of the Republic of Belarus.

80. In the event of change of citizenship by the parents or by one parent, if the other is unknown, the citizenship of a child under the age of 16 shall change accordingly. Should the parents or one parent, if the other is unknown, so wish, in the event of their change of citizenship, their child under the age of 16 may retain citizenship of the Republic of Belarus.

81. If one or both parents of a child resident in the territory of the Republic of Belarus surrender or lose their Belarusian citizenship and if they are not involved in the upbringing of the child, who has been placed under the tutelage or guardianship of citizens of the Republic of Belarus, the child shall retain citizenship of the Republic of Belarus.

82. If one of the parents surrenders or loses his or her citizenship of the Republic of Belarus and the other remains a Belarusian citizen, the child shall retain Belarusian citizenship. On application by the parents, such a child may be permitted to surrender his or her Belarusian citizenship. If one of the child's parents takes Belarusian citizenship and the other remains the citizen of another State, the child may also take Belarusian citizenship on joint application by the parents.

83. If one of the child's parents takes Belarusian citizenship and the other remains stateless, and if the child is resident in the territory of the Republic of Belarus, the child shall become a Belarusian citizen. A child who has the citizenship of another State or is stateless and is adopted by citizens of the Republic of Belarus, shall become a Belarusian citizen.

84. A child who is the citizen of another State and is adopted by spouses one of whom is the citizen of the Republic of Belarus and the other stateless, shall become a Belarusian citizen. A stateless child who is adopted by spouses one of whom is a citizen of the Republic of Belarus, shall become a Belarusian citizen. A child who is the citizen of another State and is adopted by spouses one of whom is a citizen of the Republic of Belarus and the other the citizen of another State, shall become a Belarusian citizen subject to the consent of the adoptive parents.

85. A child who is a Belarusian citizen and is adopted by the citizens of another State or by spouses one of whom is a Belarusian citizen and the other the citizen of another State, shall retain citizenship of the Republic of Belarus. On application by the adoptive parents, such a child may be permitted to surrender his or her Belarusian citizenship. A child who is the citizen of the Republic of Belarus and is adopted by stateless persons or by spouses one of whom is a Belarusian citizen and the other stateless shall retain citizenship of the Republic of Belarus.

86. The citizenship of children aged between 16 and 18 may only be changed, in the event of change of citizenship by their parents or on adoption, with the consent of the children themselves.

B. Freedom of thought, conscience and religion

87. Under article 33 of the Constitution, everyone is guaranteed the freedom of opinion, belief and expression. No one may be compelled to express or to renounce his or her beliefs. The right of all citizens to freedom of religion is governed by the Freedom of Religions and Religious Organizations Act (see chap. II, paras. 55 and 56 above).

88. No coercion may be applied in determining the attitude of citizens to religion or to the profession or non-profession of religious belief, to participation or non-participation in religious services, rites and ceremonies or religious instruction. Exercise of the freedom to profess a religion or to express beliefs shall only be subject to such restrictions as are essential for the preservation of public safety and order, life, health and morality, and also the rights and freedoms of other citizens as established by law and compatible with the international obligations of the Republic of Belarus.

89. Religious rites may only be conducted with persons aged under 15 with the consent of their parents or of persons acting in loco parentis.

C. Freedom of association and of peaceful assembly

90. Under article 35 of the Constitution, the freedom of peaceful assemblies, rallies, street marches, demonstrations and pickets which do not contravene public order and the rights of other citizens of the Republic of Belarus shall be guaranteed by the State. The freedom of association is guaranteed to all (art. 36 of the Constitution).

91. The right of minors to form and join voluntary associations is governed by the Voluntary Associations Act. Under the Act, voluntary associations are formed on the initiative of not less than 10 citizens of the Republic of Belarus aged 18 or over. Children's and young people's voluntary associations may be formed by citizens of the Republic of Belarus who have reached the age of 16. Voluntary associations may form unions of voluntary associations.

92. As mentioned in paragraph 54, voluntary associations may be joined by citizens who have reached the age of 16. In cases stipulated by the articles of the voluntary association concerned, its members may also be persons under that age who have the corresponding written consent of their lawful representatives.

93. As on 1 September 1998, there were 9 children's and 69 young people's organizations registered in the Republic of Belarus. While their membership, composition, standing and other characteristics are, of course, subject to constant change, it is possible to single out as among the more influential of such organizations in recent years the Belarusian National Pioneers Organization, the Belarusian Scouts Association, the Belarusian Falcons Association, the Belarusian Patriotic Youth Union, the All-Belarusian National Scouts Organization, the Belarusian Guides Association and others. These organizations are actively involved in doing the groundwork and helping to implement the State policy for young people. Their activities are overseen and guided by the State Youth Affairs Committee. As a specific example of the way young people participate in the adoption of decisions to give effect to their interests, we can cite the involvement by representatives of young people's organizations in developing plans for a new children's movement in the Republic of Belarus.

D. Access to appropriate information

94. The following statistics relate to the publication and dissemination of children's literature in Belarus. Of the 1,018 media publications registered as on 1 November 1998, more than 20 were addressed at children and young people. The very popular newspaper *Perekhodny Vozrast* ("Transitional age") is printed in a run of 20,000 copies; the newspapers *Ranitsa* ("Morning"), and *Zorka* ("Dawn") are also widely read, as are the new privately published papers *Detskaya gazeta* ("Children's newspaper"), *Lesovik* ("Forest Sprite") and *Vyaselka* ("Rainbow"), with a combined print-run of 52,000 copies. In 1998 an encyclopaedia on mother-and-child health was published. The publishing house Yunatstva ("Youth") has more than 100 titles in its publishing plan for 1999, all intended for younger readers.

95. The National Children's and Young People's Arts Centre is highly active in promoting international cooperation with a view to disseminating and exchanging socially and culturally useful information for children. The Centre cooperates closely not only with national and regional organizations, but also with organizations in other countries: these include the Fuchsbau youth club in Berlin, an institute for the retraining of social educators, the international American-Belarusian charitable organization Nadezhda-Express, the German young people's organization Schreberjünger, and Nottingham City Council, in the United Kingdom. Among the projects being conducted by the Centre, particular importance attaches to one being carried out under the slogan "Learning peace, teaching peace", to be implemented over the period 1997-1999. Under this project, based on the principles of the United Nations Educational, Scientific and Cultural Organization "World Culture" programme, seminars,

discussions, conferences and other measures were held, including a "bridge-building" activity camp, with the slogan "Cultural dialogue", in which the Fuchsbau youth club from Berlin also participated.

96. In October 1997, a delegation from Belarus took part in the Fourteenth International "Joy of Europe" Children's Meeting. The delegation included the "Child of peace" group from the National Children's and Young People's Arts Centre. In addition, children from the Ostrov, Ragneda and Buslyanya studios attached to the Centre exhibited their skills at 10 different international exhibitions, including the competition on protecting the ozone layer organized in Egypt. A design created by the Ostrov art studio was used in the Council of Europe's Apollo programme intended for the development of creativity and culture. Under the "Children as peace emissaries" programme, work by members of the studio was also sent to the cities of Sendai in Japan, Nottingham in the United Kingdom and others.

97. In 1996-1998, members of the mind games club attached to the Belarusian Association of UNESCO Clubs took part in the European Youth Week in the city of Stralsund, together with representatives from France, Germany, Latvia, Poland, the Russian Federation, Sweden and other countries. The "Sails of Hope" international children's and young people's media festival, held in the summer of 1998 with the support of the State Press Committee, State Youth Affairs Committee and with participation of numerous voluntary associations, helped promote not only to the development of children's and young peoples' journalism, but also the right of children to free expression and freely to receive and transmit information.

98. At the end of February 1998, a group of Belarusian children aged 14 and 15 travelled to Budapest to attend an international conference on experience in incorporating the Convention on the Rights of the Child in the system of legal education at schools. The Conference considered issues related to the work of internal school administrations and school newspapers and other information media, the extent to which children are able to exercise their right to freedom of opinion in schools, the need for State and local structures and institutions concerned with children's rights to take the interests of schoolchildren into consideration when adopting decisions and in their own activities, and other related issues.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance

99. Under article 32 of the Constitution, parents or those in loco parentis, have the right and shall be obliged to raise their children and, to attend to their health, development and education. Children must not be subjected to cruel treatment or humiliation, or made to perform work which may be injurious to their physical, mental or moral development.

100. In order to ensure comprehensive assistance to parents in the upbringing of their children, *Semya* ("The Family") programmes are being developed in all local authorities, and their implementation is being carefully monitored. The measures constituting these programmes are wide-ranging and usually include: series of lectures, discussions and other meetings where parents may receive guidance and advice; a study of the situation with a view to identifying families which need closer attention because of problems arising in their relations with children;

an exchange of positive experience in the upbringing of children; the conduct of festivities to mark the International Day of Families; other activities to celebrate the family, and so on.

101. In recent years, the infrastructure of social services for families and children has been steadily expanded. Institutions of a new type have emerged, providing social services to families, women and children: these include rehabilitation centres, diagnostic centres, diagnosis and correction centres, confidential support centres, psychological and educational centres, children's and adolescents' social and psychological assistance centres, confidential telephone lines and so on. For example, in March 1998, the Belarusian "Open Doors" support centre was opened, with the aim of providing a range of systematic assistance to children and young people with special mental and physical needs. The centre conducts training seminars for specialists, parents and students. Children and young people with special mental and physical needs and their parents receive consultations and undergo courses of treatment with specialists.

102. The presidential "Children of Belarus" programme (through its subprogramme for the development of social services for families and children) plans to undertake the further development of social services in this area.

B. Parental responsibilities

103. Article 162 of the Belarusian Administrative Offences Code prescribes administrative liability for the wilful failure by parents or those in loco parentis to perform their duties to educate and raise their children. The Criminal Code of the Republic of Belarus (art. 120) provides criminal liability for parents' wilful refusal to pay family maintenance ordered by a court or by the decision of a judge for the maintenance of minor children or children who are of majority age but disabled and dependent upon them.

C. Separation from parents

104. Paragraph 4 of article 32 of the Constitution of Belarus states that children may only be separated from their families against the will of parents and those in loco parentis on the basis of a court decision, in the event that such parents or those in loco parentis have failed in their duties. Basic laws and regulations governing the separation of children from their parents are laid down in the Belarusian Marriage and Family Code. Thus, article 66 of the Code stipulates that if, after the dissolution of their marriage or for any other reason, parents live separately, decisions as to the place of residence of any minor children shall be subject to their consent. Should a dispute arise, the matter will be resolved by a court on the basis of the interests of the child and taking into consideration the child's own wishes. In accordance with article 67, parents living apart from their children have the right to maintain contact with them and are obliged to take part in their upbringing. No obstacles shall be placed in their way in this regard.

105. The tutelage and guardianship authorities may, for a specified period, deprive a parent living apart from his or her child of the right to have contact with the child, if such contact is causing harm to the child. In cases where parents fail to comply with the decision of the tutelage and guardianship authorities, these latter, and also either one of the parents, shall be entitled to

apply to the courts for resolution of the dispute. In the event of wilful refusal to comply with the decision of the court, the parent living apart from the child shall be entitled, in the child's best interests, to apply to the court for custody of the child.

106. In accordance with decision No. 10 of 16 December 1994 of the Plenum of the Supreme Court of the Republic of Belarus, regarding the manner in which the courts are to apply the legislation in settling disputes relating to the upbringing of children, parents may be deprived of their parental rights on grounds provided for by article 70 of the Marriage and Family Code, in the event of their culpable conduct.

107. Article 70 of the Marriage and Family Code stipulates that one or both parents may be deprived of their parental rights if it is established that they have failed to comply with their duties relating to the upbringing of their children, have refused, without compelling reason, to collect a child from a maternity hospital or ward or from other establishments for the medical care and treatment or the education and upbringing of children, are abusing their parental rights, are behaving cruelly towards their children, are exerting a harmful influence on their children through their own immoral behaviour or are chronic alcoholics or drug addicts.

108. Parents shall be considered to be failing in their duties when they neglect the moral upbringing of their children, their physical development, education, and preparation for socially useful work. Abuse of parental rights is to be understood as the use of these rights to the detriment of the child's own interests, such as, for example, by preventing their education, inciting them to beg or involving them in activities of an immoral or antisocial nature. Cruel treatment of children may take the form of physical or mental violence, the use of unacceptable child-raising methods, or treatment that degrades their human dignity. The chronic alcoholism or drug addiction of parents must be confirmed by a corresponding medical finding. Treatment for alcoholism or drug addiction is not in itself sufficient reason for an application for the deprivation of parental rights to be refused.

109. If a parent is found guilty of the commission of a crime against minor children, involving such acts as incitement to criminal activity, drunkenness, lewd conduct, etc., this may provide grounds for the privation of parental rights. If the parent is convicted for the commission of any other crimes or if no culpable conduct vis-à-vis his or her children is established, there shall be no privation of his or her parental rights.

110. Persons may only be deprived of their parental rights in court proceedings, held with the participation of the procurator. Proceedings shall be initiated on the application of State or voluntary organizations, or of either of the parents or the guardian (tutor) of the child and also on the application of the procurator (art. 71 of the Marriage and Family Code). If, when considering proceedings for the deprivation of parental rights, the court should detect the indicia of a crime in the actions of one or of both parents, it shall inform the procurator accordingly or shall institute criminal proceedings.

111. In the event of both parents being deprived or their parental rights, the child shall be placed in care (art. 47 of the Marriage and Family Code). Provision is also made for the

possibility that a court orders the removal of a child and the child's placement in care, regardless of any deprivation of parental rights, if it is dangerous for the child to be left with the persons concerned (art. 77 of the Marriage and Family Code).

112. In exceptional cases, where there is a direct threat to the life or health of a child, the tutelage and guardianship authorities shall be entitled to take a decision ordering the immediate removal of the child from parents or from other persons by whom the child is effectively being raised. In such cases, the tutelage and guardianship authorities shall be obliged to inform the procurator without delay and, within a period of seven days of the decision, to apply to the court for the deprivation of the parental rights or one or both parents or for the removal of the child. If the grounds for the removal of the child cease to apply, the court may, on an application from the parents and acting in the child's own interests, order the child to be returned to the parents. In this case, the wishes of minor children over the age of 10 shall be taken into account.

113. Article 78 of the Marriage and Family Code stipulates that the tutelage and guardianship authorities must be in attendance when disputes relating to the upbringing of children are being considered by a court. Court orders on the transfer of custody or removal of children from parents or other persons are carried out by court officers, in the obligatory presence of the tutelage and guardianship authorities. The procuratorial authorities oversee compliance with these regulations.

114. Since the deprivation of parental rights is an extreme measure, a court shall be entitled, in exceptional cases where the culpable conduct of the parent has been proved, taking into account the nature of such conduct, the parent's character and other specific circumstances, to refuse an application for the deprivation of parental rights, and instead to warn the respondent about the need to change his or her approach to the upbringing of the child or children concerned. At the same time, responsibility for monitoring the proper performance by such persons of their parental duties rests with the tutelage and guardianship authorities.

115. Persons whose failure to perform their parental duties is due to mental illness, mental deficiency or any other chronic illness or to other circumstances beyond their control, may not be deprived of their parental rights.

D. Family reunification

116. In accordance with article 76 of the Marriage and Family Code, parental rights shall be restored if this is in the children's best interests and if the children are not adopted. Restoration of parental rights may only be effected by judicial procedure on application by the person deprived of parental rights or by the procurator. When considering applications for the restoration of parental rights, courts must establish whether or not the lifestyle of the parents has changed and whether they are able to give the child a proper upbringing.

117. In accordance with decision No. 10 of 16 December 1994 of the Plenum of the Supreme Court of the Republic of Belarus regarding the manner in which courts are to apply the legislation in settling disputes relating to the upbringing of children, the rights of parents to raise their own child shall prevail over those of other persons and they are therefore entitled to demand the return of their children from any person who is not holding such children on the

basis of the law or pursuant to a court order (art. 69 of the Marriage and Family Code). An application by parents for the return of their children may only be refused if a court determines that such return will not be in the best interests of the child. When considering applications by parents for the handover to them of children by persons holding those children on the basis of the law or pursuant to a court order (guardians, tutors, children's homes), courts shall be required to determine whether the circumstances which gave grounds for the placement of the children with the person or children's home concerned have changed since the time of the original dispute and whether returning the children to their parents will be in their best interests.

118. Applications for the restoration of parental rights may be filed against the other parent, or against a guardian (tutor) or a children's home, depending on in whose care the child has been placed. These applications shall be considered by courts in the presence of the tutelage and guardianship authorities.

119. Certain aspects of the reunification of families and the situation of children will be legally underpinned in the planned new Belarusian Immigration Act, which is currently awaiting its first reading. Under article 14 of this bill, the right to family reunification is enjoyed by spouses, minor children and unmarried children who have been invited by an immigrant to take up permanent residence in the Republic of Belarus. Article 16 of the bill stipulates that the minor children of immigrants have the right to enter Belarus on the invitation of one or both parents.

E. Children deprived of a family environment

120. As already noted, the problem of abandonment of children is particularly acute in Belarus. The roots of this problem are to be sought in the spreading phenomenon of family disintegration, which has a direct impact on the situation and future lives of children. The number of marriages continues to decline while that of divorces increases. According to estimates, every year over the period 1994-1997 some 45,000 children were deprived of one of their parents as a result of the break-up of their families. In 1997, 14,500 children were born out of wedlock and, of them, 2,700 were born to mothers under 18. The number of children abandoned or rejected by their parents increased by 3,500 and, on 1 January 1998, totalled 23,600. All in all, 5,700 abandoned children were identified by the childcare authorities in 1997.

121. The number of children removed from their parents with or without the deprivation of parental rights is also on the increase, as is the number of children rejected by their own parents. Figures for 1997 show that 4,500 children were removed from their parents by local authorities following court proceedings, six times as many as in 1990. The courts considered 2,600 disputes involving children and received 1,500 applications for the protection of children. There is a pressing need for a separate branch of juvenile justice and the question of setting up specialized courts for juvenile affairs is being keenly debated at the present time.

122. Under the provisions of the Convention on the Right of the Child and the Belarusian Rights of the Child Act, one of the most important responsibilities of local authorities vis-à-vis children deprived of a family environment is to place them in a foster family, or a children's family-type home or to arrange their adoption. Of the total number of children deprived of

parental care, the majority are placed in families (52.7 per cent in 1996 and 50.7 per cent in 1997); of these, between 41 per cent in 1992 and 47.4 per cent in 1996 were placed in foster families; and fewer than half (44.6 per cent in 1996 and 47.18 per cent in 1997) were placed in children's homes. Regrettably, the number of these institutions is not decreasing. As on 5 September 1998, there were 29 children's homes under the authority of the Ministry of Education; 31 general education boarding schools (19 of these catering for orphans); 25 boarding schools for children with special health needs; 80 boarding schools for children with special needs in their mental and physical development (12 of these catering for orphans); and 26 children's family-type homes. These 165 children's boarding establishments are home to 26,600 children, 10,700 of whom are orphans. The annual cost of keeping children in such boarding establishments amounted in 1997 to 45-50 million roubles per child (approximately 1,000 United States dollars).

123. The State provides comprehensive support for foster families, children's family-type homes and children's villages and allocates between 2.9 million and 3.3 million roubles per month per child for the maintenance of children in these establishments. As on 1 January 1996, 9,500 children were being raised in foster families.

124. The legal rules governing tutelage and guardianship are set out in chapter 13 of the Marriage and Family Code. The function of tutelage and guardianship authorities is exercised by the executive committees of the councils of deputies at the district, city, and urban district, housing estate or village level. When a guardian or tutor is being selected, due account is taken of his or her personal qualities, ability to perform the duties of a guardian or tutor, relationship with the person to be placed under care or guardianship and also, if possible, the wishes of that person (art. 154 of the Marriage and Family Code). The work of guardians and tutors is overseen by the tutelage and guardianship authorities at the place of residence of the person placed under tutelage or guardianship (art. 156 of the Marriage and Family Code). Guardians and tutors may defend the rights and interests of their wards in all establishments, including judicial establishments, without the need for a special power of attorney (art. 171 of the Marriage and Family Code).

125. Sociological research shows that the living conditions and material status of foster families in Belarus differ extensively. They all have in common, however, the qualities of compassion, a kindly disposition to children and the desire to make them happy and to prepare them for independent life. The childcare authorities make visits twice a year - confidentially, if necessary - to inspect the living conditions of children in foster families and family-type children's homes and to ensure that their children's rights are being upheld.

126. Over recent years, steps have been taken to make life in children's establishments more friendly for children deprived of a family environment. This process is being effected in the following areas:

- Creating conditions in each establishment which approximate life in the family, primarily by reconfiguring the sleeping arrangements, from the previous dormitories accommodating 20-25 children to small and cosy bedrooms for 2-3 children;

- Fostering friendly and trusting relations between children, teachers and other staff-members of the establishment and ensuring that the children's right to respect for their honour and dignity, the inviolability of their person and protection from physical and mental violence is upheld;

- Keeping siblings together in the same children's establishment; in Belarus, the ideal children's establishment is considered to be the family-type children's home accommodating a small number of children (maximum of 50), in which the children may remain until they reach majority age;

- Providing conditions for the full physical, intellectual and emotional development of the children and for the development of their abilities and talents by setting up clubs and societies in children's homes and organizing after school activities in boarding establishments and by introducing a differentiated approach to education in which special classes are formed where pupils concentrate on certain subjects and a network of general education boarding schools for particularly able and talented children is created.

F. Adoption

127. The Belarusian legislation on adoption has undergone certain changes in recent years. First, on 26 June 1998, the Constitutional Court of the Republic of Belarus ruled that the provisions of article 116 of the Marriage and Family Code relating to the adoption of children by extrajudicial procedure without the consent of their parents or of those in loco parentis were inconsistent with the Constitution (art. 32) and the Convention on the Rights of the Child. Once that ruling was passed by the Constitutional Court, the provision in question of the marriage and family code ceased to have legal effect and now article 32 of the Constitution applies, which stipulates that adoptions may only be effected by judicial procedure. Second, the Republic of Belarus is now party to the Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption.

128. The procedural and legal arrangements for adoption in the Republic of Belarus are based on the following principles:

- The all-round development of children is only possible when they are raised in the protective surroundings of a family, with an environment of well-being, love, understanding and respect;

- The right of the biological parents to care for and raise their child shall prevail over the rights of all other persons;

- If a child cannot be guaranteed proper care in his or her own family, constant care must be provided by the child's relatives under a foster family arrangement;

- Adoption is only possible when the necessary care can be provided on a constant basis by a relative in the relative's own family;

- Intercountry adoption shall only be considered an option when there is no possibility of adoption or any other means of placing the child in a family in the child's own country;

- Decisions on any issues relating to adoption shall be guided by the child's best interests.

129. The legal rules of adoption are established in chapter 12 of the Marriage and Family Code, which states, in particular, that children may be adopted by citizens of majority age with the exception of persons deprived of their parental rights, persons declared legally incompetent or of limited competence and persons who have previously adopted children and in respect of whom such adoption has been revoked because of their failure to comply with their obligations (art. 114 of the Marriage and Family Code). When a child is to be adopted, the child's parents, provided they have not been deprived of their parental rights, must give their consent in writing.

130. The adoptive child must also consent to the adoption if he or she has reached the age of 10. The tutelage and guardianship authorities shall ascertain whether or not the child consents to the adoption. The secret of adoption is protected by law (art. 128 of the Marriage and Family Code). Adoptive children aged 10 or over must give their consent before receiving a new surname or patronymic or before their first name can be changed. When children to be adopted have no parents and have been placed under tutelage or guardianship, the guardians or tutors must give their written consent and when the children have been placed in State children's homes, the administration of the home must give its consent.

131. In compliance with the provisions of the Convention on the Rights of the Child, which stresses the importance of the family as the natural environment for the normal development and upbringing of children, steps are being taken in Belarus to encourage Belarusian families to adopt children. In 1996, a national and regional database of children deprived of parental care was established. As already mentioned, in 1997, the national adoption centre was opened and a national database set up containing the names of potential adoptive parents. Over the period 1995-1998 the childcare authorities conducted a study to analyse the reasons for the placement of children deprived of parental care in boarding establishments and the length of time that they remained in those establishments. Scientific research is being conducted in this area and in 1996 an international symposium was held on the issue of national and intercountry adoption and its practices, problems and future prospects. The materials of the symposium have been gathered together and published in two thematic compilations, which have been distributed to teachers, lawyers and other specialists.

132. The statistics on adoption are as follows. As on 1 January 1998, there were 7,800 adopted children in the country. Over the period 1991-1997, some 4,100 children were adopted, 3,800 by Belarusian citizens and 289 by foreigners. In 1997, 531 children were adopted, 486 of these by Belarusian citizens and 45, or 8.5 per cent, by foreigners. Of these 45 adopted children, the majority - 24 - are in the age group 0-2, 10 are in the 3-5 age group and 11 aged 6 and over. Most of these children - 30 - went to the United States of America, while 11 went to Sweden, 2 to Denmark and 1 each to Ukraine and France. All the

adopted children were living in residential establishments and had physical or mental disabilities of one kind or another. Eight of them had previously lived in areas contaminated by the Chernobyl accident.

133. The procedure for intercountry adoption (establishing guardianship) involves a number of measures designed to ensure that the competent State authorities of the country in which the prospective adoptive parent is resident oversee the child's adjustment to his or her adoptive family and the child's living conditions during the post-adaptation period. Six-monthly reports must be submitted on this process to the Belarusian Ministry of Education for a period of at least three years. Decisions on intercountry adoption are taken by district or urban executive committees at the place of residence of the child, subject to the consent of the Ministry of Education and the provincial executive committee. The adoptive parents and the competent State authorities of the country in which they reside shall guarantee that contacts are maintained between adopted Belarusian children and their home country and relatives. Under Belarusian law, Belarusian nationality is retained by adopted children.

G. Abuse and neglect, including physical and psychological recovery and social reintegration

134. With a view to preventing violence against children, including psychological violence, a system of telephone hotlines has been established in many towns and regions and special work has been undertaken by educational and social workers and psychologists. Information and awareness-raising campaigns have been conducted in recent years with the active participation of non-governmental organizations. One of the most extensive of these campaigns was an international seminar on the rights of the child and the issue of violence against children, held on 20 and 21 May 1998 in Minsk by the Belarusian Helsinki Committee and attended by representatives of countries of the former Soviet Union and other foreign countries. The seminar materials have been compiled and published and, in addition, a social workers' handbook on children and violence was distributed to all participants in the seminar.

VI. BASIC HEALTH AND WELFARE

A. Disabled children

135. In Belarus, in line with general practice in the civilized world, the terms "defective children" or "children with deviations in their mental or physical development" are now eschewed in official documents and scientific literature and manuals in favour of the term "children with special needs in their psychological and physical development". In the 1990s, new priorities were set in the State social policy for disabled children and children with special needs in their psychological and physical development. In 1996, a statistical census was made of children in this category, following a validated statistical map based on the latest classification by the World Health Organization (WHO). Almost one in four children of pre-school and school age were found to have special needs in their mental or physical development or in both.

136. The number of disabled children under 16 increased by 2,000 in 1995, to total 20,500. By 1 January 1997, their number had grown to 21,900, 365 of whom had become disabled as a result of the Chernobyl disaster. By January 1998, there were 22,912 disabled children in

Belarus, 1,021 of whom were Chernobyl victims. The number of disabled children continues to rise: as on 1 January 1999, the total number of disabled children aged under 16 was 23,866, representing an increase of 4.2 per cent over the January 1998 total.

137. As on 5 September 1998, children with special needs in their physical and psychological development were being raised and educated and receiving rehabilitative care in 80 boarding schools, 12 of which were for orphans, catering for a total of 12,600 children; 18 special schools, with 3,800 children; 847 integrated education classes, with 2,700 children; 452 special classes in general education schools, with 5,500 children; 30 special kindergartens and 874 groups in other kindergartens, with 11,400 children; and 1,005 mental retardation centres, with 34,800 children. There are also nine residential homes for disabled children, housing some 2,000 children.

138. As mentioned above, in 1992 the Ministry of Education ratified a new blueprint for the education and upbringing of children in this category and for their preparation for life in the outside world. The blueprint is designed to ensure that disabled children and children with special needs in their psychological and physical development have equal opportunities to receive a full education in accordance with the latest international approaches. In addition, in 1995, a number of regulatory instruments were ratified (see chap. I, para. 20, above). The aim is once and for all to banish the notion of the "ineducable child". While, until recently, children with special needs in their psychological and physical development were confined to special custodial boarding schools, the new State policy is designed to facilitate their integration into society and to enable them to attend ordinary or special classes in general or special schools.

139. A network of diagnostic and rehabilitation centres and mental retardation centres is being established for the rehabilitation of such children. In the 1996-97 school year the first special education textbooks were published in Belarus and special courses for the rehabilitation of children with special needs in their psychological and physical development were introduced in higher and secondary special education institutions and further training centres, to provide training and refresher courses for teachers in all subjects.

B. Health services

140. An indication of the level of the country's social and economic development and of its attitude to children is provided by the health status of women - in particular, mothers - and by trends observable in various medical and demographic parameters, primarily those relating to infant and child mortality and morbidity.

141. Health care for children is regulated in Belarus by the following legislation: the 1993 Health Care Act; the 1991 Chernobyl Power Plant (Social Protection for Victims of the Accident) Act; and the 1993 Public Health and Epidemiological Welfare Act.

142. In addition, the following regulatory instruments have been adopted over the last few years to improve the health of children:

- Presidential Decree No. 321 of 23 August 1996 on maintaining the provision of free medical treatment to children and adolescents living in settlements previously categorized as radioactive contamination areas;

- Council of Ministers decision No. 1113 of 25 August 1997 on improving the procedure for the provision of health care and treatment to children outside the Republic of Belarus;

- Instruction on ensuring the welfare and health care of children in children's pre-school establishments, ratified on 17 April 1997;

- Order of 28 May 1997 ratifying the procedure for funding health care and spa treatment for children and adolescents from the State social insurance budget;

- Order of 30 June 1997 ratifying the procedure for providing sports and physical recreation for children from low-income families, disabled persons and pensioners, on a partial-payment or no-payment basis;

- Ministry of Health order No. 55 of 25 February 1998 on improving the system for monitoring the health status of six-year old children and the conditions in which they are being raised.

143. Under the current legislation, pregnant women, at 30 weeks, are granted pregnancy and maternity leave of 126 days, irrespective of the actual date of the birth; in the event of birth complications or the delivery of twins, triplets or other multiple births, maternity leave is increased by a further 14 days. Women living in radionuclide-contaminated areas with contamination levels of 1 Ci per square kilometre and above are granted pregnancy and maternity leave at 27 weeks or 140 and 160 days respectively. Women receive a lump-sum benefit on the birth of their child equivalent to the official per capita minimum consumer budget for a family of four, applicable on the date on which the child was born. Women who are registered with a gynaecological centre in the first 12 weeks of their pregnancy and been placed under a doctor's instructions receive a lump-sum payment cash benefit equivalent to 50 per cent of the benefit paid on the birth of the child. Irrespective of their employment status, women who so request shall be granted leave to look after their child until the child attains the age of three, during which period they are paid a monthly State benefit at a level and under conditions established by law.

144. On 2 July 1997, the State Benefits for Child-raising Families (Additions and Amendments) Act was adopted. This new version of the Act differs in that the levels of child benefits and the total income thresholds at which families are entitled to such benefits are now tied not to the minimum wage but to the per capita minimum consumer budget for a family of four as calculated for the previous year.

145. The benefit payable for caring for a child aged up to three is scaled in accordance with the employment of the careprovider. Thus, a benefit set at 35 per cent of the minimum consumer budget is payable to women taking leave to look after a child; students at vocational colleges, technical colleges and universities who have left productive work to follow a course of study; women serving in the military who are discharged from service in connection with their pregnancy and childbirth; women with category I and II disabilities; and mothers of children up to the age of three who have been laid off as a result of the closure of an enterprise or organization.

146. The benefit is set at the level of 20 per cent of the minimum consumer budget for non-working women (including women taking care of disabled children up to the age of 16, persons with category I disability and old persons living alone aged over 80), and women officially recognized as unemployed.

147. In the previous version of the Act, the benefit for children above the age of three was divided into three age groups: 3-6; 6-13; and 13-16 (18). These divisions have now been scrapped and instead a single benefit, set at 15 per cent of the minimum consumer budget, is payable for children aged from 3 to 16 (18). It is paid in full for each child to families whose average gross monthly income per family member for the previous year did not exceed 40 per cent of the minimum consumer budget and reduced to half if the monthly gross income was between 40 and 50 per cent of the minimum consumer budget. Families raising a disabled child, an HIV-infected child or a child suffering from AIDS and families of military servicemen on fixed-term military service receive the benefit irrespective of their income.

148. A new form of benefit has been introduced, for single mothers with children up to the age of 18 months. This is set at 15 per cent of the minimum consumer budget from the date of birth of the child.

149. The benefit for caring for a sick child aged up to 14 is paid for the entire period during which the child requires such care as prescribed by a doctor, but for a maximum of 14 calendar days at the level of 100 per cent of the average wage (daily subsistence level), irrespective of the employment status of the mother, father or other person providing the care. Persons caring for a disabled child aged between 3 and 16 who are also entitled to a benefit for caring for a child aged up to three receive the benefit on both counts.

150. All children up to the age of three, and for those living in a radionuclide-contaminated area, up to the age of 15, receive medication for outpatient treatment free of charge. Disabled children and children with serious disorders also receive medication free of charge. Free infant food is provided for children up to the age of two being raised in large and low-income families.

151. The list of medical grounds on which children's disability benefits are paid up to the age of 16 has been expanded. The staffing levels in maternity establishments and children's hospitals have been revived. Under the Health Care Act, all types of medical assistance are provided free of charge to children and pregnant women. These legislative measures have still been insufficient, however, to ensure the full social and material security of child-raising families, owing to the continuing decline in production and growing inflation rates.

152. Currently, there are more than 380 children's polyclinics, 22 children's hospitals and more than 310 gynaecological centres providing health-care services for mothers and children in Belarus. Children's medical care is provided by some 5,200 paediatricians, representing a coverage of 22.5 practitioners per 10,000 children. The existing material and technical resources available in the country's paediatric and maternity institutions are generally sufficient to ensure that the needs of children and mothers can be met with high quality services at all levels. The health-care establishments have a total of 15,260 beds for children (a nationwide rate

of 68.9 per 10,000 children). The hospital bed needs of newborn infants and young infants, children suffering from infectious and pulmonological diseases and children undergoing surgery are fully met.

153. Over the last 10 years, 17 separate maternity homes, 14 gynaecological centres, 12 children's hospitals and 14 children's polyclinics have been built, substantially boosting the material resources available in the country's children's and maternity establishments. These construction rates cannot be maintained, however, owing to the economic instability in Belarus.

154. As on 1 September 1996, Belarusian records showed 241,547 children aged from birth to 14, with special needs in their psychological and physical development, constituting 10.9 per cent of the total number of children in this age range. More than half of all children with special needs in their psychological and physical development are aged between 10 and 14. Of the total number of children in this category, 40 per cent are children with disorders of the internal and blood-related organs; some 20 per cent children with visual disorders; 16 per cent with mental disorders; 9.5 per cent with motor disorders; 9 per cent with linguistic and speech disorders; 3.7 per cent with deformities; and 2 per cent with hearing disorders.

155. To ensure that needy children receive professional attention, a network of specialized medical and rehabilitation centres has been established in Belarus and children with chronic conditions receive treatment in specialized sanatoriums and sanatorium-type boarding schools. In all, there are some 80 specialized boarding schools operating in Belarus, providing education and treatment to 12,600 children with the most severe conditions (mental retardation, blindness and poor vision, deafness and deaf-mutism, severe speech disorders and delayed mental development). Eleven thousand four hundred children are receiving essential care in special pre-school establishments. Medical and social rehabilitation centres have been opened for disabled children affected with children's cerebral palsy in the cities of Minsk, Mahileu, Brest, Kobryn and Mazyr. Special medical, psychological and educational diagnostic services have been provided in these centres, offering a range of restorative treatment using medication and a combination of therapeutic exercise and massage.

156. Every year, more than 80,000 children receive spa treatment in the children's sanatoriums run by all ministries and departments.

157. The country's health-care system includes 13 children's homes with a total of 1,120 places, housing 1,048 children aged up to 3 and, in specialized children's homes, up to 4, including 564 children with profound mental and physical disabilities. During 1996, 271 children were adopted from these homes, including 39 by foreign citizens.

158. One of the main problems affecting the health-care system in Belarus at the current time is the country's population profile. The last 10 years have seen a down-turn in the medical and demographic situation in Belarus. The birth rate continues to decline, dropping to 9.3 births per 1,000 of the population in 1997, 44 per cent lower than in 1985, and by 1 January 1998, to 8.8 births per 1,000 of the population. Whereas up to 1986 the birth rate grew annually by 1.6 per cent, after 1986 there was a sharp decline, with an average annual drop of 8.3 per cent, easing to 5 per cent in 1997. The current birth rate, which in 1997 measured 1.2 births

per woman, is not sufficient even to replenish the population, while, for the purposes of simple replenishment of the population, a birth rate of at least 2.15 children per woman is required. A number of factors underlie this decline in the birth rate: peculiarities in the age structure of the population, social and economic instability, the environmental consequences of the Chernobyl disaster, and the rapid changes in the system of values, in which growing importance is attached to individual self-fulfilment and an enhanced sense of responsibility by parents for the welfare of their own children.

159. The country's social and economic instability has caused abnormalities in the diet of children of different age groups. Families are eating less meat and meat products, fish and fish products, eggs and fruit. These are being replaced by cheaper foods - milk and milk products, potatoes and bread products. These imbalances particularly in the diets of low-income families, one-parent families and those with two and more children, means that there is a lack of minerals, vitamins and other micro-elements in their diet and, instead, an excess of animal fats and starch, which, in the long term, if these adverse trends continue, could undermine the health of the entire population, particularly children.

160. Infant mortality rates, which steadily declined until the early 1990s, are now showing a distinct increase, particularly marked in 1994 following the conversion to the system of registering live births in accordance with WHO-recommended criteria (1992 - 12.3 per cent, 1993 - 12.5 per cent, 1994 - 13.2 per cent, 1995 - 13.3 per cent). Figures for 1996 show a decline in infant mortality to 12.5 per cent, and in 1997 to 12.4 per cent. Anticipating a deterioration in the country's health state and, as a result, an increase in infant mortality, the Ministry of Health has prepared a blueprint for the reorganization of the maternity and childcare service, which it is systematically implementing and which is designed to protect the health of women of fertile (childbearing) age, to reduce the number of miscarriages and abortions, to prevent illnesses in pregnancy, to protect the foetus and to strengthen neonatal and specialized paediatric services.

161. Through the national programme for the preventive care of genetic consequences of the Chernobyl accident it has been possible to set up a system of medical and genetic consultation and antenatal diagnosis of congenital developmental defects and hereditary diseases of the foetus and the newborn child. More than 98 per cent of pregnant women receive one ultrasound scan and 84 per cent also have a repeat scan. The latest biochemical and cytogenetic diagnostic methods have been introduced. Virtually all newborn infants are screened for such serious hereditary conditions as phenylketonuria, hypothyrosis and adrenogenital syndrome. Over the last five years, i.e. from 1992 to 1997, more than 2,400 pregnancies in which the foetus had congenital developmental defects were identified and terminated.

162. In order to improve access to and the quality of medical - primarily specialized - assistance for pregnant women, newborn infants and young children, the children's resuscitation and intensive care services have been reorganized, divisions or wards have been created in major maternity hospitals for neonatal intensive care and resuscitation and seven emergency call-out teams for paediatric and neonatal resuscitation have been set up and equipped. In addition, the staff quotas of children's hospitals, maternity homes and gynaecological centres have been revised. These measures have made it possible for Belarus to start introducing a multi-level system of perinatal care and, taking the existing major district and provincial maternity homes

and children's hospitals as the basis, to establish neonatal centres to which patients with birth problems can be referred and to establish optimal conditions for the care of newborn infants, primarily sick infants carried to term as well as those born premature and underweight.

163. Forty-eight medical establishments (maternity homes and children's hospitals) have been identified by the Ministry of Health on the basis of their material and technical facilities to serve as level 2 and level 3 neonatal care centres and the necessary medical equipment has been bought, on a centralized basis, for these establishments by the Ministry of Health over the period 1994-1997.

164. These and other measures have enabled Belarus, during the very difficult situation which it is currently experiencing, to stabilize and, to some extent, reduce infant mortality. Absolute figures relating to child deaths up to the age of one year show that medical personnel are able to save a large number of children. While in 1986 2,284 children died before reaching the age of one, this figure had dropped to 1,717 in 1990, 1,584 in 1992, 1,362 in 1995, 1,210 in 1996 and 1,127 in 1997. Between the ages of 1 and 14 the child mortality level is 0.4 per 1,000 children. The main cause of child mortality in this age range is accidents (50.4 per cent). In comparison to 1994, maternal mortality has dropped significantly: from 26.0 to 22 per 100,000 live births in 1996. In 1997, however, this indicator once again gave cause for concern - at 25.7. Figures for deaths of women in pregnancy and childbirth for the different years are as follows: 1994 - 29, 1995 - 14, 1996 - 21 and 1997 - 23. As a result, the infant and maternal mortality rates registered for Belarus are the lowest of the countries of the Commonwealth of Independent States and the Baltic.

165. Considerable assistance in improving neonatal assistance and antenatal care has been provided by the Joint Belarusian-Swiss project for the delivery by the Swiss Government of neonatal equipment and the training of medical and technical personnel. The project's total cost is 6.1 million Swiss francs (5.6 million United States dollars), and equipment has been provided to 33 medical establishments.

166. Close cooperation with WHO and UNICEF to promote the worldwide initiative on child-friendly hospitals, to encourage breastfeeding, and to address family planning problems, immune-prevention measures and other vital areas of mother-and-child health care has enabled Belarus to study and, to the maximum possible extent, to introduce up-to-date medical technology, primarily for the health care of children, especially newborn infants and young children.

167. Besides the alarming demographic situation in the country, a serious problem is posed for Belarus by the consequences of the Chernobyl disaster. Some 530,000 children and adolescents currently live in areas contaminated by radionuclides. An analysis of specific health quality indicators has revealed the following unfavourable trends in their health status:

- First and second-degree hyperplasia of the thyroid gland, particularly in the youngest age groups, is becoming increasingly widespread;

- The prevalence of autoimmune thyroiditis and thyroid cancer among children is increasing;

- The number of children with clinical and laboratory signs of immunological deficiency is on the increase;

- The number of children with all the symptoms of anaemia is increasing;

- The incidence of neuro-circulatory dystonia and asthenia-related conditions is increasing.

168. Over the last 10 years there has been an increase in the number of children affected by malignant tumours, which has risen from 8.0 per 100,000 of the population in 1987 to 13.0 in 1996 and 15.2 in 1997. This increase in morbidity rates is largely due to the increased incidence of solid tumours. There are distinct fluctuations in the incidents of leukaemia from area to area but figures have not exceeded the peak levels for this illness in the years before the Chernobyl accident. There has, however, been a noticeable increase in the incidence of blood cancers. Leukaemia rates among children are measured at 44.7 per 100,000 (80-100 cases per year). The growing incidence of thyroid cancer among children is particularly worrying. While, in the pre-Chernobyl period, there were only one or two new cases per year of thyroid cancer among children, since the Chernobyl accident more than 450 children, more than half of whom live in Homla province, have been operated on for this condition.

169. The last three or four years have seen a distinct improvement in the specialized health care provided to children. The children's cancer division at the Belarusian Research Institute for Oncology and Medical Radiology has increased its capacity from 45 to 60 beds, with the addition of intensive-care wards. Minsk clinical hospital No. 9 now has a children's neurosurgery division and clinical thyroid cancer centre. Collaboration has been initiated with a number of medical establishments, such as the Paediatric Surgery Centre, the Blood Cancer Centre and the Homla Centre for Genetic Medicine, and with foreign colleagues and counterparts. Construction work has been concluded on a new children's blood cancer centre in Borovlyany, where state-of-the-art treatment will be available for children and adolescents with leukaemia and other malignant diseases of the blood-forming and other organs.

170. In the coming years, the country's health authorities and establishments, including maternity and paediatric establishments, will increasingly direct their efforts towards performance of the tasks outlined under the WHO Global Strategy for Health for All by the Year 2000, namely, the attainment by all residents of a level of health which will enable them to live socially and economically full lives. Priority is being given in this undertaking to safeguarding and improving the health of children and of women of childbearing age.

171. A source of particular concern for the medical establishment in Belarus is the growing problem of AIDS, particularly among children and young people. The 1998 HIV/AIDS handbook distributed to media workers contains the following figures: as on 31 December 1997, the number of persons infected with HIV in Belarus was 1,787, of whom 18 were of school age and 36 students at technical colleges and those suffering from AIDS 17, including 3 children. The infection is spreading at a worrying rate: in 1994 there were 105 persons infected with HIV; in 1995, 113; in 1996, 1,134; and in 1997, 1,787. A number of steps are being taken to combat this "twentieth-century plague": a national AIDS-prevention centre has been opened and is conducting extensive awareness-raising work among the public, including among children and

young people. In cooperation with the UNAIDS programme, a project was developed in 1996 on the prevention of HIV infection among intravenous drug users in the town of Svetlogorsk. Similar projects have subsequently been developed for the towns of Babrujsk, Mahileu and Minsk. In October 1996, a two-week seminar was held in Svetlogorsk and in March and June 1997 two "safe houses" were opened, at which more than 8,000 visits were logged over the period from March to October. In October 1997, a group of specialists and experts, including some from abroad, carried out an interim assessment of the project and gave it their approval. The project is funded by UNAIDS and WHO.

172. Starting in 1995, on 1 December each year, World AIDS Day, a range of measures are held in Belarus, organized by the Belarus national TV company, the State Press Committee, the State Youth Affairs Committee, the ministries of education, health, and culture and local authorities. Important, wide-ranging activities to mark World AIDS Day are held on such themes as: cultural and arts workers against AIDS; creative young people against AIDS; sport and AIDS; children against AIDS; and others. Video clips, films, cultural displays, printed literature and other means are used to spread the message. Extensive work is done among schoolchildren as part of their compulsory curriculum and in out-of-school activities.

173. By its decision No. 1022 of 5 August 1997 the Council of Ministers ratified the State programme for the prevention of HIV infection for the period 1997-2000 and a Belarusian interdepartmental council established on this issue. The primary goals of the State programme are to prevent the spread of HIV infection in Belarus and to mitigate the social and economic consequences of HIV infection by conducting a range of organizational, scientific and practical measures. The State programme is being carried out in the following main areas:

- Ensuring safe working conditions for health workers and the provision of medical assistance to persons who need it;

- Improving the system of epidemiological supervision of HIV infection in Belarus;

- Harmonizing the State HIV and AIDS control policy with UNAIDS and WHO recommendations;

- Organizing cooperation with State administrative bodies and voluntary associations of Belarus and other countries on issues relating to the prevention of HIV infection;

- Organizing cooperation with the State administrative authorities and voluntary organization of Byelorussia and of other countries in issues relating to HIV prevention.

174. The programme comprises four main areas: First, medical aspects of the HIV/AIDS problem; second, social aspects of the HIV/AIDS problem; third, information and awareness reasons; and, fourth, managing and implementing the HIV prevention programme. Information and awareness-raising materials issued under the programme: include publications on AIDS in figures for 1997; on medical aspects of the spread of TB and AIDS in the world and in Belarus; on the essentials of human life: a manual and workbook for teachers; on AIDS prevention and guidelines on AIDS for community speakers.

175. The traditional system of healthy recreation for children has been maintained in Belarus. The State considers the organization of such fitness activities, as a form of social welfare for children and for the families which raise them and, accordingly, bears a considerable proportion of the costs of sending children to stay in health and recreation camps. Fitness activities are funded from the State social security budget, from local budgets and by enterprises. Parents are only required to cover some 10-15 per cent of the total costs of their child's holiday. Among the children who have enjoyed holidays in health and recreation camps, sanatoriums, leisure centres, holiday homes, school children's summer camps, work and recreation camps and other such establishments are a large number of children from areas contaminated by the Chernobyl accident.

176. In addition, every year, a number of children from such affected areas travel abroad for health and recreation holidays. Over the period 1990-1995, some 138,500 children have enjoyed such holidays abroad. More than 190 foreign organizations and some 80 Belarusian organizations have helped to provide health and recreation activities in 20 different countries for children from these contaminated areas. The number of children invited to other countries for health and recreation continues to rise. While in 1990 2,600 children made such trips, the figure for 1996 is some 50,000, or 10 per cent of the total number of children living in the contaminated areas. In 1997, 387,000 children, almost 50,000 more than in 1996, attended health and recreational camps and centres, where they were able to improve their health, expand their knowledge and gain new practical skills.

C. Social security and childcare services and facilities

177. The main tasks of the children and family-oriented social policies in Belarus are the following:

- Promoting a new vision of the family as the ideal environment for the full development and upbringing of the child; raising awareness in society of the role of the family in providing for the balanced development of the child, particularly in relations with other people, and the provision of a good example; preparing children to live in society;

- Promoting family values as an ideal for society; encouraging a culture of responsible parenthood, with motherhood and fatherhood as the highest human values;

- Upholding the right of children who are capable of forming their own views to give free expression to these views and according due attention to the views of children, in conformity with their age and maturity;

- Conducting activities at all levels to ensure the social and economic welfare of all families and providing for their psychological and educational needs; establishing social and educational services to meet the needs of families in the raising of children;

- Establishing additional safety nets for families in high risk categories;

- Setting up alternative systems for children abandoned by their parents;

- Exploring a range of social, economic, legal, medical, psychological and educational measures designed to prevent an increase in the numbers of disabled children and children with special needs in their psychological and physical development;

- Ensuring that State authorities, labour bodies, political parties, voluntary associations, educational establishments, newspaper, radio and television companies, business organizations and religious bodies are involved in activities to support families and children, to educate and raise the legal awareness of parents and to give effect to the rights of children;

- Publicizing family traditions and the values of Belarusian folk education, achieved through traditional folk festivities, customs, rituals, kinship relations and relations within families.

178. By its decision No. 83 of 7 February 1996, the Government increased the responsibility of biological parents for the raising of their own children. The decision stipulates that biological parents must cover part of the costs of the maintenance of their children in State establishments, with a monthly contribution set at twice the minimum wage.

179. The State is constantly at pains to improve the system of family welfare. Efforts are currently under way to establish a central State database containing complete information about the various categories of families, to set up regional centres for family and child welfare and to create new types of establishments for the provisions of social services to children.

180. Families in high-risk categories are the focus of particular attention by the State and society. Special investigations are conducted around the country to identify children deprived of parental care, children from low income, large or single parent families, to monitor their material and living conditions and to determine the material needs of poor families. Assistance is provided to such families by the State authorities, businesses, production units and organizations for the repair of their homes, the delivery of fuel and the provision of clothing and footwear for their children.

181. Work is also under way in Belarus to expand the network of telephone hotlines which may be used by children to call for urgent help in protecting their rights. A statistical system is also being worked out to log incidents of physical and mental violence, harsh treatment and cruelty against children, or failure by parents or those in loco parentis to take proper care of children.

D. Standard of living

182. The Belarusian State and its authorities attach great significance to the social welfare of children and are endeavouring, through a system of social and economic measures, to ensure that children have the necessary conditions for their full development. The actual standard of living of children largely depends, however, on the financial resources of the families in which they are being raised.

183. The country has State social welfare programmes which provide benefits to people who are unable to earn their own income, are unfit to work or have dependent children. These programmes are funded from general tax revenues and are classified as State social welfare programmes. To establish their entitlement to social support of this kind, individuals and families must submit proof of income or be assigned to specific categories, such as disabled, war veterans, victims of the Chernobyl accident or other social groups.

184. In order to determine which low-income families in Belarus receive such assistance, a base level has been set for identifying people in the needy citizen category. Under the current methodology, needy families are considered to be those whose income does not exceed 60 per cent of the average monthly per capita minimum consumer budget for families of four as gazetted for the previous quarter.

185. Research has shown that one of the principal causes of poverty in Belarus is the need to provide for a large number of dependents. It is this factor which is responsible for the relatively low income levels in families with many children and single-parent families. Children are the most vulnerable age group. Some 45 per cent of children under 15 are below the poverty line. An important measure in ensuring the social welfare of families was the entry into force on 1 July 1997 of the State Benefits for Child-raising families (Additions and Amendments) Act. The new version of the Act correlates the levels of State benefits and the aggregate income levels set for the entitlement to such benefits with the minimum consumer budget. State monthly benefits are granted for children over the age of three in cases where the aggregate family income does not exceed 50 per cent of the minimum consumer budget. As a result, it has been possible to increase the number of families receiving such benefits by 7-10 per cent and to increase the benefits themselves by 50-100 per cent.

186. Other forms of such targeted assistance are also being set in place. Thus, in 1997, pursuant to the presidential decree on the payment of lump-sum benefits to large families, such lump sums measuring 600,000 roubles were paid to more than 214,000 school children in 89,318 families.

187. Constant efforts, as described below, are being made by the State to improve the family welfare system. First, notwithstanding the country's economic difficulties, its current legislation enshrines the right to social protection against certain outside risks, such as the loss of work capacity, illness, disability or loss suffered as a result of an accident at work, unemployment, old age, death, etc. Second, social welfare is being delivered in a more targeted manner which necessitates both a more careful monitoring of the income level of the recipient of the benefit and the equal access to benefits for representatives of all population groups undergoing hardships, and not just for representatives of so-called high-risk population groups. Supplementary assistance is provided to these groups irrespective of their per capita income. Third, there are now more varied ways and means of providing social assistance. In addition to monetary benefits, groceries and manufactured goods are also provided, as are a range of services and other benefits, such as reduced taxation, loans on easy terms, free medicine, free spa treatment and the provision of medical prostheses and invalid vehicles.

188. Finally, given the decline in the standard of living, the provision of social protection and support for needy families is starting to take such forms as charitable activities and the provision

of social and housing services free of charge. Voluntary foundations, charitable associations and other organizations are conducting activities for the health and recreation of children and the social rehabilitation of orphans and disabled children and a range of other measures for the benefit of children, including the creation and conduct of special educational programmes and others.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance

189. In Belarus, children's right to education is enshrined in the Constitution (art. 49), which states that every person has a right to education and guarantees that general secondary and vocational technical education shall be available to all and free of charge. Under the Constitution, secondary specialized and higher education is available to every person in accordance with his or her individual capacities and every person may, on the basis on a competitive exam, receive an appropriate education free of charge in a State educational establishment.

190. In 1998, the Ministry of Education prepared a bill on the introduction of amendments and additions to the Education Act, which essentially constitutes a new version of the Act adopted in 1991. The current version of the Act stipulates that the State shall uphold the constitutional right of citizens to education, to support for their skills and level of education and to protection of their intellectual property and shall set in place the necessary social and economic conditions to ensure that they receive a proper education. The Act also guarantees the right of the Belarusian people and other ethnic communities living in Belarus to have access to the country's own cultural and historical heritage and to the riches of world culture.

191. Belarus currently has a nationwide system of continuous education beginning at the pre-school level. In 1990, the Ministry of Education approved the blueprint for the development of pre-school facilities in Belarus, establishing new guidelines for the upbringing, education and development of children in this age group, based on the wishes of parents and the public at large for the way in which children are raised and educated to be updated, refashioned and given new form and content and for the range of educational and health and recreation services to be expanded. The new guidelines and manuals in this area widely publicize the work of pre-school establishments not only with those children enrolled on permanent, all-day programmes, but also those attending on a part-time basis, with flexible hours, and the availability of assistance from professional educationists in the raising of children in the home. Where previously pre-school establishments were the main decision makers in the raising of children, now this role is increasingly being played by the parents, who select the appropriate pre-school establishment for their children on the basis of their design, type, profile and teaching systems. As a result, pre-school establishments have now become extremely versatile in their syllabuses and teaching methods, which are oriented towards the individual personality of the child and take into consideration the child's own capabilities.

192. On 1 January 1998, there were 4,500 pre-school establishments in Belarus. These cater to 434,400 children, or 65.3 per cent of the total population in this age category (74.9 per cent in the towns and 39.5 per cent in the countryside). Of these, 45.9 per cent attend

Belarusian-language pre-school establishments, 42.4 per cent Russian-language establishments and 11.7 per cent establishments using both languages. In addition, language establishments in the Vitebsk, Hrodna, and Brest provinces where, at the request of parents, teaching is provided in Polish, German and other languages. Of all the pre-school establishments, 6 have been identified as development centres, 13 have intensified programmes, 163 are combined with kindergartens, 32 are remedial centres catering for children with special needs in their psychological and physical development and 27 are sanatorium-type kindergartens.

193. To maintain this network of pre-school establishments while the country's birth rate is declining, classes with mixed age groups are being established in pre-school establishments in all regions of Belarus, creating a family-type atmosphere in the classroom. In addition, centres are being opened for art, dancing and music, as well as for computing centres and language laboratories. Altogether there are 3,500 clubs in the kindergartens of Belarus, including more than 400 groups and clubs for the study of foreign languages. These classes begin at the ages of 4 to 5 and are conducted by qualified specialists in accordance with specially prepared programmes.

194. New trends in this area include the introduction of therapeutic and preventive health activities in pre-school establishment, the establishment of centres equipped for physiotherapy, massage and dental treatment and the creation of health and recreation centres with swimming pools, saunas and health bars, at which children can get fit and learn to lead a healthy lifestyle. In all, some 1,900 establishments (43.3 per cent of the total) now have their own gymnasiums, 500 have swimming pools and 3,600 have sports grounds, where children can play sport and pursue other fitness activities.

195. The country has a national games and toys research and training centre, whose principal task is to design and create new toys and games that will develop children's minds and may be used in working with children at different levels of development, including those with special psychological and physical needs. Sets of visual teaching aids are also being developed for children, teachers and parents but, owing to funding constraints, it has not yet been possible to distribute these teaching aids and toys to all families and kindergartens.

196. All the country's pre-school establishments are fully staffed by qualified teachers, who total 54,300. Of these, 37.5 per cent have degrees, 2 per cent have incomplete university education, 58.5 per cent specialized secondary education and 2.2 per cent general secondary education. The number of specialists with higher education is on the increase both in cities and in villages, as the number of employees with secondary specialized education drops. Teachers at pre-school establishments are divided into the following professional categories: 3.3 per cent are in the highest professional category; 25.2 per cent in professional category I; 39.2 per cent in professional category II; and 32.3 per cent as unclassified. The professional level of teaching staff in both cities and villages is being steadily raised. In the light of all the above, we may state with confidence that the teaching and child-raising services in pre-school establishments of all kinds are being maintained at a high level and the necessary conditions provided to ensure the proper intellectual and physical development of children.

197. General school education, which comprises three levels - primary (from the age of 4), basic (from the age of 9) and secondary (from the ages of 11 to 12) - is the central link in the

system of continuous education, enabling children to develop a wide range of creative faculties and the basic skills applied in mental and physical work. On 5 September 1998, there were 4,783 daytime general schools in Belarus, with a total pupil complement of 1,600,500, including 738 primary schools, accounting for 15.4 per cent, or 20,600 children, 1,064 basic schools, accounting for 22.2 per cent, or 77,300 children, and 2,779 secondary schools, accounting for 58.1 per cent, or 1,396,000 children.

198. Even at the very first stage of education, a differentiated approach is followed in teaching and raising children. This differentiation is essentially achieved by varying the actual teaching process: the syllabus is covered at different speeds for different children; children are given a wide range of options in their subjects and activities; set work is adapted to individual capabilities; classes and groups are streamed on the basis of recommendations by psychologists and medical workers. Basic schooling is compulsory for all children. At this level the children's individual personalities are shaped and their abilities, interests and value systems are developed. The full range of secondary education is provided at secondary general education schools, science-oriented and arts-oriented secondary schools, vocational and technical colleges, polytechnics and other colleges.

199. Pursuant to the presidential instruction of 4 January 1996 and government decision No. 554 of 21 August 1996 on the blueprint for the reform of the general educational school system in Belarus, work has started on educational reforms in this area. This reform process includes such measures as the development of a new set of standards, revising the number of years that various subjects are taught and devising more efficient timetables for schools and colleges.

200. In recent years the numbers of pupils at secondary schools (88.2 per cent of the total number) have increased, and this trend, in turn, is helping to raise the general educational level of young people in the country. Every year more children completing basic schooling wish to proceed to secondary school: in the school year 1997/98 this proportion was 63 per cent.

201. There has been a considerable increase in the number of pupils receiving advanced-level education. In total, 387,000 pupils benefited from various forms of the differentiated education system during the last school year, representing 24.4 per cent of the country's total pupil complement. An increasingly large number of schools and classes offer advanced instruction in individual subjects. Private schools at the different levels (primary, basic and secondary) are starting to appear. Currently, there are 11 such schools catering for more than 1,000 pupils. Special science-oriented and arts-oriented secondary schools - another innovation - are also being set up. As on 5 September 1998, there were 73 arts-oriented secondary schools (with a total of 69,200 pupils), 26 science-oriented secondary schools (with 14,100 pupils) and 4 colleges (with 2,200 pupils), all of which play an important role in developing in children an interest in knowledge and an aptitude for scientific work. Through close cooperation with the teaching staff at establishments of higher education, school-leavers from science-oriented and arts-oriented secondary schools receive guidance in choosing the right university course. Every year, more than 95 per cent of school-leavers from such schools proceed to establishments of higher education.

202. As on 5 September 1998, the establishments responsible for the education, upbringing and rehabilitation of children with special needs in their psychological and physical development included 80 special boarding schools (12,600 pupils), 18 special schools (3,800 pupils), 847 integrated education classes (2,700 pupils), 452 special classes (5,500 pupils), 30 special kindergartens and 874 groups in kindergartens (1,400 pupils), 1,005 disability centres (34,800 pupils). There are also nine residential homes for disabled children, accommodating some 2,000 children.

203. By developing an extensive network of educational establishments, Belarus has been able to ensure that vocational and technical education is both easily available and provided free of charge. In the 1998/99 school year, there were 240 colleges under the Ministry of Education, with a total student complement of some 123,900. At these colleges training is provided in more than 300 trades and professions. The colleges providing vocational and technical training are reasonably well equipped and are built according to a standardized design. The technical colleges have at their disposal more than 30,000 separate pieces of equipment and machinery, including machine tools, tractors and other plant. Training farms with a total of more than 19,000 hectares of arable land have been set up as part of the 54 agricultural colleges. To ensure that the educational needs of young people are covered as fully as possible, 32 colleges also provide vocational training for pupils at general education schools.

204. In recent years, five new training centres have been established in the vocational and technical education system, providing job-related training and vocational guidance for school children who may then go on to acquire a working skill, in accordance with their interests and abilities, at the same college.

205. In accordance with article 27 of the Rights of the Child Act and article 20 of the Disabled Persons (Social Protection) Act, vocational training is also provided for disabled children and children with special needs in their psychological and physical development in special divisions or special groups at vocational and technical colleges. There are 33 such vocational and technical colleges in Belarus and in the 1998-99 school year these provided training for 1,087 young people with special needs in their psychological and physical development and 322 disabled children. Two vocational training centres have now also been set up for young offenders in correctional labour colonies. The costs of educating and training orphans and children deprived of family care are borne entirely by the State and in 1997 there were some 2,500 youngsters in this category following courses at vocational and technical colleges.

206. To extend the opportunities available to school-leavers from general education schools for higher-level vocational and technical training, there are now 35 new colleges in Belarus which integrate vocational and technical training with secondary specialized education: 34 of these are higher vocational colleges and one a higher technical college, and together they provide training in 60 trades and professions and 18 special skills.

207. Over recent years, with a view to making more effective use of the country's material and skilled human resources, 10 associations of technical colleges have been set up, to provide accelerated training for high achieving graduates of technical colleges: 18 colleges have come to arrangements of this kind with universities. A system of continuous agricultural education has also been set up, under which students can follow accelerated courses at the university or the

secondary technical level at the Belarusian Agricultural Technical University or the country's agricultural colleges. At the current time, 20 agricultural colleges and 10 agricultural polytechnics are included in this system.

208. A number of scientific and training associations have also been established. linking, variously, vocational and technical colleges; technical colleges and universities; and universities, technical colleges and firms. There are currently more than 25 such scientific and training associations under the Ministry of Education alone, which also has six provincial and one national artistic and technical craft centres for young people. Each training college has a variety of sports clubs, arts and crafts and other special-interest clubs and libraries. Students have access, free of charge, to technical and popular literature.

209. Secondary specialized education is a distinct component of the continuous education system. It is administered by various types of educational establishments, including higher-level colleges, polytechnics, secondary specialized colleges and vocational colleges providing advanced-level instruction in the secondary specialized education programme. Under the admissions system, anyone may apply for admission to the colleges listed above and successful candidates are selected on the basis of an entrance examination. All applicants compete on an equal footing. In order to ensure that the social rights of young people are fully protected, the target admission levels for secondary specialized educational establishments in 1998 have been maintained at the same level as in previous years. As on 5 September 1998, there were 152 State and 3 private secondary special educational establishments in Belarus, catering for 133,400 pupils in 150 subjects. The syllabuses at these schools are constantly revised and updated in line with the needs of the client community and the different regions of the country. In addition, specialists with secondary specialized education receive higher-level training at 35 university-level vocational colleges.

210. The secondary specialized education system is also currently being overhauled. New types of teaching establishments are being set up under the country's education system: these include 3 university-level colleges, 22 colleges and 21 associations of training colleges, universities and businesses, set up to make more efficient use of the funding resources and training and material facilities of their member bodies. A selection process is followed to identify the highest achieving graduates from vocational colleges, who then undergo further training in specialized educational establishments, first at secondary and then at university level. At the same time, efforts are made to ensure that such opportunities are equally available to young people from rural areas.

211. The particular manner in which teaching is organized at university-level colleges means that specialists on both secondary-level and higher-level courses are trained in a continuous process. Some colleges run special courses to train specialists for specific enterprises and institutions. Compulsory laboratory and practical sessions are included to develop the necessary skills in the use of professional equipment. If they wish, students may pursue the more intensive study of certain subjects in special study groups and clubs and demonstrate their individual skills in a range of arts and crafts activities or in sports activities conducted within the college itself. Arts and crafts exhibitions, organized to identify talent among students at secondary specialized establishments, are held both at the colleges themselves and at provincial and national levels.

Virtually all secondary specialized schools and colleges are well provided with material facilities and equipment, including student residences, sports centres and libraries and reading rooms with large holdings of technical, reference and other literature.

212. The scholastic performance and conduct of students at secondary specialized schools and colleges is monitored, in accordance with the statutes and internal regulations of the establishment concerned, by a group monitor (class supervisor). The operation of the school or college is monitored by the appropriate administrative authority and the State Educational Inspectorate.

213. All students from other towns and from rural areas are housed in residences. Students with refugee status have the same entitlements as other students at the school or college. By Presidential Decree No. 474 of 20 November 1995 on the provision of social support for young people, since 1996 students at secondary specialized schools and colleges with daytime attendance receive financial support in the form of scholarships, grants and bursaries and, where necessary, may be granted additional material assistance from the bursary fund, which has been increased from the State budget by 5.5 per cent.

214. The next stage in the continuous education system is higher education. As on 5 September 1998, there were 42 State higher education establishments in Belarus (catering to 207,200 students), under the authority of 10 different ministries and departments, 22 of which (with 137,000 students) came under the Ministry of Education. Of these 42 State establishments, 17 are universities, 9 academies, 12 institutes, 3 university-level colleges, and 1 a university-level training centre. In addition, there are 15 private higher education establishments in Belarus, catering for 36,500 students. Of the total number of students in need of accommodation, 76.2 per cent are housed in college residences. Under the rules for admission to higher and secondary specialized education establishments of the Republic of Belarus, orphans and children deprived of parental care who have passed the entrance examination are admitted on a preferential basis. The same concession is accorded to candidates with category I and category II disabilities, provided that such education is not contraindicated by the findings of a medical rehabilitation expert commission.

215. The legal regulations determining the choice of language of education are set forth in the Constitution, the Languages Act, the Education Act, the Ethnic Minorities Act and the Rights of the Child Act. On 13 July 1998, a new version of the Languages Act was adopted. Under article 2 of the Act, Belarusian and Russian are State languages in Belarus. Citizens of Belarus have the right to use their own national language. Article 21 of the Act states that every resident of Belarus has the inalienable right to be raised and educated in either Belarusian or Russian. Members of other nationalities living in Belarus also have the right to be educated and raised in their native languages. In accordance with articles 22 and 23 of the Act, children in pre-school establishments and in children's homes, and pupils at general education schools are raised and educated in Belarusian or Russian or both. In accordance with the wishes of the public, local authorities may also set up children's pre-school centres or groups and also general education schools or classes in which children are raised and taught in the language of an ethnic minority or in which they may learn their language. The study of Belarusian, Russian and one foreign language is compulsory in all general educational schools in Belarus.

216. Work is under way by teams of teachers and the education authorities to ensure the best possible conditions to meet the educational needs of members of all nationalities, including ethnic minorities. A special meeting of the Board of the Ministry of Education was held to discuss this problem, and attended by all interested parties. Syllabuses have been developed which cater to the need of members of ethnic minorities to study their native language or to be taught in the medium of that language, as well as to study the literature, cultural heritage, history and geography of the country of origin of their particular ethnic group. Thus, syllabuses have been prepared for Polish language, literature and history. In Lithuanian-medium classes, pupils follow syllabuses on Lithuanian language, literature, history and geography. More than 14,000 children study Polish, 800 of them receiving Polish-medium education. Lithuanian is studied by 200 children, Hebrew by 1,500 and Ukrainian by 300, in two schools.

217. Cooperation agreements have been signed between the Ministry of Education of Belarus and the ministries of a number of other countries. Under such cooperation arrangements, joint Belarusian-Polish and Belarusian-Lithuanian consultative commissions have been set up to look at such issues as the education of ethnic minorities.

218. The Ministry of Education is also responsible for out-of-school establishments. Notwithstanding the economic problems currently affecting the country, the State provides support for these establishments, whose primary goal is to develop children and young people's talents and creative skills, to satisfy the wishes of individuals and families for additional educational services and to help them acquire the knowledge, skills and aptitudes which they need to adapt to the new social and economic conditions. As of 1 January 1998, talent-promoting activities for children were being organized by 181 children's creative centres, catering for 211,100 children, 37 crafts centres, catering for 27,300 children, 28 environmental and young biologists' centres, catering for 20,700 children, 26 children's and young people's hiking and excursion centres, catering for 17,400 children, 25 holiday centres, catering for 8,400 children, 10 children's parks, catering for 3,500 children, 5 children's stadiums, 3 young sailors' clubs, 39 associations for the organization of after-school work, 271 children's libraries, 360 music schools, 24 children's art schools, 5 children's dance schools, 8 youth theatres and 151 museums, making a total of 982 special establishments for children, catering for 1,077,000 children.

219. Over recent years Belarus has managed to avoid drastic cuts in its network of after-school establishments and in some parts of the country has even been able to increase their number. Their activities are funded from State and regional budgets and children attend them, by and large, free of charge. The proportion of fee-paying services offered at such establishments is insignificant.

220. The national continuous education system, as already noted, is currently being overhauled, to bring it into line with the country's improved new legislative framework. In accordance with the annex to the schedule of planned new bills in the Republic of Belarus, the national bills on vocational education and on higher education, whose preparation is scheduled for 1999, have been identified as top priorities.

B. Leisure, recreation and cultural activities

221. Considerable importance is attached in Belarus to giving children an artistic education and developing their creative abilities. These activities are conducted through a system of artistic education at primary, secondary specialized and higher levels, which is currently administered by 527 children's art schools situated in virtually every town and district centre. Art schools previously run by collective farms in rural areas are now being funded by the State, in response to the economic crisis in the country. There are 254 such schools, constituting almost half of the country's total. The total number of children's art schools has not merely been maintained, but was even increased in 1996-97, and now caters for 85,000 children. The number of children taking classes in dancing and in decorative and applied art has increased. Steps have been taken to limit any increase in the fees charged for children's artistic classes of all types. By instruction of the Council of Ministers, the Ministry of Culture has set a limit on such fees of 30 per cent of the minimum wage.

222. A programme is under way to open new arts schools with a multidisciplinary profile, so that the needs and wishes of the public, for children's primary-level education in the arts, music and dance and for the development of their creative talents are more fully satisfied. Since 1995, the Maladzik Arts Education Centre has been in operation in Vitebsk, incorporating schools of fine arts, acting, dance and other performing arts, a film studio and a beauticians' school.

223. The syllabuses offered by music and performing arts schools, art colleges and secondary specialized colleges and schools includes courses in the history, culture, traditions and other cultural values of the people of Belarus as well as the world cultural heritage. Children learn about the history of cultures from all over the world, of the arts and of theatre and ballet, including the history of Belarusian arts and of world and Belarusian musical literature.

224. A successful system has been applied for identifying gifted children for enrolment in secondary specialized arts schools and colleges. There are 20 such establishments in Belarus, situated in all provincial centres and many other major cities, including Pinsk, Lida, Novopolotsk, Mozyr and Baranovichi. All students who perform well in art schools and display a professional aptitude for their subjects may continue their studies with a view to obtaining a professional qualification in any of 49 different special fields. In all, there are some 7,000 students following courses in arts and cultural colleges at secondary level. In order to train specialists and to ensure that there are sufficient numbers of professionals with arts qualifications working in areas affected by the Chernobyl accident, the Homla branch of the A.K. Glebov Arts College in Minsk, which forms part of the Belarusian Academy of Arts, has been upgraded to the Homla Arts College.

225. A number of special schools and colleges at the secondary level have started courses which may also be taken by disabled students. These include courses in folk art, at the Vitebsk, Minsk, Hrodna and Mahileu arts colleges; in librarianship and bibliography at the Mahileu College of Librarianship; and in sculpture, design and decorative and applied arts at the A.K. Glebov Arts College in Minsk, under the Belarusian Academy of Arts.

226. The Ministry of Culture gives particular attention to gifted children and talented young people who have excelled themselves in creative work. Particularly talented school-leavers from

secondary specialized schools and colleges in Belarus may continue their studies at tertiary level, in both academies and universities. Particularly concerted efforts have been made over recent years to identify talented children and young people and to enrol them as students with the country's leading teachers, such as Professor V.N. Elizariev of the Academy of Arts and Music, who holds the title People's Artist of the USSR; V.L. Rakhlenko, Merited Arts Worker; G.K. Vashchenko, People's Artist of the Republic of Belarus; and others. Thanks to the work that has been conducted, talented Belarusian youngsters represent their country with honour at international artistic gatherings. Funds from the central budget are allocated annually for such purposes and most trips by participants to international festivals and competitions of young musicians, dancers and artists are funded in this way. In 1998, 2,186 billion roubles were allocated for these purposes.

227. The last two years have seen a number of significant international achievements, prominent among which are the victories of Andrei Ponochevny at international piano competitions in Cologne, Germany, and Maryland, United States, and Yury Blinov at the Prokofiev competition in St. Petersburg. The students' choir of the Academy of Music won the Oscar - the top prize - at an international competition in Germany. For the first time, Belarusian classical dancers performed with distinction at the world's most prestigious ballet competition, held in Varna, when dancers from the State College of Dance won bronze medals. The children's brass band from the Belarusian College of Music received the top prize, the "Golden Strings" award, at a competition in Poland and the boys choir from the same college took first place at the Mendelssohn-Bartholdy International Choir Competition in Germany.

228. A system of children's and young people's competitions in the creative and performing arts has been developed in Belarus and many of these events have become international in scale. These include the Oginsky Chamber Music Festival and Competition, the Bogdanovich Young Composers' Competition, the Ballet Lovers' Festival, the Music of Hope Competition and various children's open-air painting events, dedicated to such artists as Chagall, Saint Exupéry, the Roerichs and Repin.

229. Cultural establishments, including schools and colleges, take an active part in the festivities and other cultural measures, such as those to mark Mothers' Day, Family Day and International Child Protection Day, running arts programmes for families with disabled children, organizing exhibitions of children's art and arranging musical evenings. Assistance in the form of organizational, artistic and financial contributions (to a total of some 1 billion roubles) was provided by the Government for the conduct of nationwide television festivals to identify young talent held under the slogan "We were all young once"; national amateur talent festivals for children from children's homes, boarding schools and special schools, held under the slogan "Rainbow Dance"; a regional festival of the Belarusian polka; nationwide children's musical festivals; a children's painting festival showing children's images of themselves; an artistic programme devoted to post-Chernobyl rehabilitation and other activities. There are more than 10,000 children's clubs and associations currently operating in Belarus, with a combined membership of some 135,000 children and teenagers, and 180 performing groups have been officially recognized for their outstanding achievements.

230. An important aspect of children's cultural and leisure activities is the work of professional outfits. In Belarus, there are seven puppet theatres and one theatre company - the

Young Spectators' Theatre - which specially cater for children and young people. In 1997, the Young Spectators' Theatre staged 288 performances, attended by a total of 115,000 spectators; the State Puppet Theatre put on 329 performances, with a total of 75,000 spectators; the Brest provincial puppet theatre - 344 performances, with 64,000 spectators; the "Lyalka" puppet theatre in Vitebsk - 249 performances, with 35,000 spectators; the Hrodna provincial puppet theatre - 306 performances, with 63,000 spectators; the Batleika provincial puppet theatre in Minsk - 243 performances, with 23,000 spectators; the Mohileu provincial puppet theatre - 311 performances, with 43,000 spectators; and the Homla provincial puppet theatre - 271 performances, with 40,000 spectators. The Homla Theatre does not have its own premises and operates as a travelling theatre, serving children's community centres in Homla and other towns in the province.

231. The country's 16 theatres include in their repertoire 742 plays for children, which they stage on public holidays and weekends as well as during the school holidays. In total, these performances are attended by some 200,000 children per year. Theatres are actively developing patronage arrangements with children's homes, disabled children's centres and boarding schools. Theatre tours to villages in areas contaminated by the Chernobyl disaster are funded by the Belarusian Ministry of Culture.

232. The Belarusian State Philharmonia has developed 10 concert series for children, which are currently being performed, and also conducts a music week for children and young people. The Children's Philharmonia gives some 3,000 concerts every year in secondary schools and kindergartens. At weekends and on holidays the State Musical Comedy Theatre and the National Academic Opera and Ballet Theatre put on shows for children. Performances by the Belarusian State Circus are, by and large, designed for children's audiences. The Belarusian Academy of Music conducts a wide range of concerts for children and young people and the students' theatre of the Belarusian Academy of Arts includes children's plays in its repertoire.

233. The country's museums attach considerable importance to work with the younger generation. Pre-school children, schoolchildren and college and university students constitute nearly two thirds of all visitors to museums. The Belarusian Museums and Museum Facilities Act stipulates that admission to museums must be free for orphans and that there should be one free admission day for all visitors, including children, per month. All State museums have special programmes and plans for working with children, including a wide range of measures in such areas as local history and creative arts. The Minsk State museums provide regular support to Vilejka boarding school under their patronage arrangements with the school.

234. Belarus has 4,800 libraries with facilities for children and young people. Of these, 271 are specialized children's libraries, with total holdings of over 7 million publications covering all subjects. In 1996, the libraries were used by a total of 1.3 million young readers up to the age of 15, who made around 14 million borrowings, and, in 1997, 25 million borrowings. Libraries play a very important role in the aesthetic education of children, by holding exhibitions of children's creative work, setting up amateur groups and other clubs and organizing children's puppet theatres. Popular activities organized by libraries include family fun days and library get-togethers for literary readings or musical concerts. Appearances by writers and poets, literary skits and quizzes are regular features. During the summer school holidays, the libraries

hold a book week for children and young people, the country's longest-standing children's festivity, which dates back to 1964. Children's libraries are invariably among the award-winners in the annual national inter-library tournament.

235. Special mention should be made of the establishments under the Ministry of Culture responsible for publicizing and raising awareness of children's rights. As part of the special course on children's rights in cultural education centres, students analyse the effect on the psychology of children exercised by the mass media, visual arts and other phenomena. Particular attention is given to the negative influence of works containing pornographic elements or propagating the cult of violence and cruelty and attention is drawn to efforts by the State to ensure that children have every opportunity to learn about the history, tradition and cultural riches of the Belarusian people and about the attainments of world culture.

236. Most secondary schools and colleges specializing in culture and the arts hold series of meetings between lawyers and students on children's rights issues, and include lectures for teachers and parents on the provisions of the Convention on the Rights of the Child and the Belarusian Rights of the Child Act. The Belarusian Academy of Arts conducts students' competitions of posters on child protection issues. The syllabuses for such subjects as Belarusian studies, the history of Belarus, philosophy and aesthetics now include eight hours of instruction on the provisions of the Belarusian Rights of the Child Act.

237. This work has been most extensively developed by the Belarusian University of Culture. The provisions of the Belarusian Rights of the Child Act are primarily covered in the various courses offered by the Faculty of Cultural Studies, such as those on social work, rehabilitation through art and social workers' techniques, law studies, human rights and the planning of cultural and leisure activities. In all these courses, theoretical studies are combined with practical work. As an integral part of their course, in the first and second years (second and third semesters) students do practical work as volunteers, and in the second year they perform voluntary work with the Belarusian Red Cross Society, the National Charity and Health Foundation and the Disabled Children's Parents' Association. Children in need of individual home assistance are identified and twinning arrangements made between such children and students, who provide assistance once a week: they visit bedridden invalids, help clean up rooms and sit and chat to the children. The main centres for such practical activities are the International Children's Haematological Centre, the disabled children homes, Minsk Special School No. 41, and the special classes for children with special needs in their psychological and physical development.

238. One of the main problems currently faced by cultural organizations is the quality of certain films and other visual material, which clearly have a harmful influence on the younger generation. To stem this flood of offensive material, the Belarusian Expert Commission for the Prevention of Propaganda and the Cult of Violence and Cruelty was set up in 1992 pursuant to a decision of 21 January 1992 of the Presidium of the Supreme Council on measures to prevent pornography and the cult of violence and cruelty, and Order No. 136 of 18 February 1992 of the Council of Ministers. The tasks and jurisdiction of the Commission have been fleshed out in orders No. 773 of 24 December 1992 of the Councils of Ministers on additional measures to

prevent pornography and the cult of violence and cruelty within the territory of Belarus and No. 977 of 29 July 1997 on the prohibition, restriction and suspension of certain cultural activities.

239. The Commission's primary tasks are:

- To conduct regular expert assessments of films, plays, concerts and other performances, works of art, albums, pamphlets, magazines and other printed publications intended for public display, in order to prevent the spread of propaganda and the cult of violence and cruelty;

- To conduct expert assessments of video films and other audio-visual materials and television and radio programmes on application from their authors and those involved in the rental of video materials, as well as from State and non-governmental organizations and individuals;

- To elaborate and to improve the scientific criteria for the expert assessment of materials and artefacts containing elements of pornography, violence and cruelty.

240. Over the last two years the Commission members have issued expert findings on 1,500 videocassettes, 800 issues of 359 different magazines and newspapers, 100 different printed products (calendars, postcards, playing cards, etc.) and some 100 audiocassettes. Most of the expert assessments have been made at the request of the law enforcement authorities. In May 1997, an international conference on current theoretical and practical aspects of public morality was held on the initiative of the Commission, with the participation of some 120 specialists from relevant ministries and State committees, representatives of cultural associations and officials from State authorities of all levels. On the instructions of the presidential administration of the Republic of Belarus, the Conference proceedings are being issued as a separate publication.

241. The Commission's work has been considerably hampered by flaws in the legislation, the porous nature of the frontiers between Belarus and other former republics of the USSR, access to a common broadcasting space (e.g., satellite television), the inertia of central and local authorities and the complacency of the local law enforcement agencies.

242. The principal obstacle to efforts to organize cultural and leisure activities for children is posed, however, by the lack of funds. On average, cultural services reach only some 60-70 per cent of the country's children, with negative consequences for the aesthetic development of the younger generation. The number of cultural clubs and associations being set up in residential areas is still insufficient. The funding problems experienced by cultural establishments are forcing them to introduce a system of fees, which is reducing attendance levels. The country's economic crisis has led to a drastic reduction in the number of public libraries. The worst affected are the village branch libraries, the bulk of whose readers are children. Over the last five years, 677 village libraries have closed. Since these libraries each served a number of villages and settlements, their closure means that children in some 1,800 small villages now have no access to a library. Central budget funding for the acquisition of musical instruments for children's music schools has been cut and the remaining

stock of musical instruments is rapidly wearing out. While in 1992, 272 pianos, 110 dulcimers and 80 guitars were acquired through the Belarusian musical industry, in 1995 only 8 pianos, 15 dulcimers and 1 guitar were thus acquired and in 1996 no new instruments were acquired at all.

VIII. SPECIAL PROTECTION MEASURES

Refugee children

243. Issues relating to the legal status of refugees in the territory of Belarus are covered by the Refugees Act. Under article 10 of the Act, aliens who have been recognized as refugees and members of their families over the age of 16 are issued with a refugee identity document of the stipulated kind.

244. An alien who has acquired the status of a refugee has the right:

- To live in a populated area;
- To acquire Belarusian citizenship in accordance with the country's legislation;
- To health protection;
- To receive benefits.

245. In accordance with Council of Ministers Decision No. 1132 of 28 August 1997, children under 16 in refugee families are granted financial assistance at a level established for refugees and persons applying for refugee status.

246. A new refugees bill is currently under preparation. By comparison with the existing Refugees Act, the rights of refugees are considerably extended in the new version and it is worth noting that particular attention is given to the legal status of refugees of minority age.

247. Under article 87 of the new version, an alien who has been recognized as a refugee and is aged over 16 is issued an identity card of the stipulated type. This is the principal document attesting to the identity of the refugee and confirming the lawfulness of his or her residence in Belarus and it may not be arbitrarily withdrawn. Details of family members under the age of 16 of an alien who has been recognized as a refugee are entered in the identity document of one of their parents and, should there be no parents, the identity document of a guardian or of another family member who has reached the age of 18.

248. An alien recognized as a refugee and under the age of 18 who entered the country unaccompanied by any legal representative may also, at the discretion of the tutelage and guardianship authorities, be granted an identity card.

249. Aliens who have been recognized as refugees and members of their families who have entered the country with them have the right:

- To reside in the territory of the Republic of Belarus;
- To choose the populated area where they wish to make their own homes;
- To receive medical assistance and medication on the same footing as citizens of the Republic of Belarus;
- To receive assistance and guidance in vocational training or finding work on the same footing as citizens of the Republic of Belarus;
- To find paid work or to start their own businesses on the same footing as citizens of the Republic of Belarus;
- To receive social protection, including social welfare benefits, on the same footing as citizens of the Republic of Belarus;
- To have access to the national education system on the same footing as citizens of the Republic of Belarus; and
- To exercise other rights.

250. Since 23 January 1993, the Belarusian Red Cross Society has run a missing persons service, which looks for people who have gone missing and helps reunify separated families. This service cooperates on a non-agreement basis with the Central Tracing Agency of the International Committee of the Red Cross as well as with the International Tracing Service and appropriate bodies of the Red Cross Societies of other countries under the framework of the International Federation of Red Cross and Red Crescent Societies, which the Republic of Belarus joined in 1995.

251. An agreement on priority measures for the protection of the victims of armed conflicts was concluded within the framework of the Commonwealth of Independent States; it entered into force in 1994 and was ratified by Belarus later that same year.

252. Over the period 1992-1997, a total of 31,249 people, including 9,089 children aged under 16, entered Belarus from other countries of the Commonwealth of Independent States and from the Baltic and applied to the State Immigration Service for refugee status. As of 1 February 1998, there are three children aged under 16 belonging to the family of a person who has been granted refugee status and applications for such status have been received, and are currently under consideration, from two citizens of Afghanistan whose families include six children aged under 16.

Children in armed conflicts, including physical and psychological recovery and social integration

253. Belarus is party to most international treaties governing relations during armed conflicts. Thus, it is party to the four Geneva Conventions and the two Additional Protocols, relating to the Protection of Victims of International Armed Conflicts and the Protection of Victims of Non-International Armed Conflicts; the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its protocol; the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries; the 1948 Convention on the Prevention and Punishment of the Crime of Genocide; the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity; multilateral instruments adopted in the framework of the 1899 and 1907 peace conferences at the Hague, and others.

254. Belarus has no specific legislation on the status of minors in conditions of armed conflict; their special status is taken into consideration both in the application of the compulsory military service requirement and in determining penalties for the commission of crimes in times of peace.

255. Under the Belarusian Rights of the Child Act, children may not be incited to participate in military activities or in armed conflicts, war and violence may not be propagated among children nor may children join armed formations. As noted in paragraph 48 above, military conscription applies from the age of 18 (art. 29 of the Act). A similar provision relating to the age of compulsory military service (from 18 to 27) may be found in the Universal Military Conscription Act (art. 14).

256. General principles relating to the prosecution of minors for the commission of crimes are established by the Rights of the Child Act (art. 13) and detailed regulations in this regard are to be found in the Criminal Code and the Code of Criminal Procedure. Criminal liability may be incurred by minors from the age of 16. Persons aged 14 and above may be prosecuted for the commission of particularly serious crimes. Military crimes are not included in this category (see art. 10 of the Criminal Code). The special considerations applicable to the criminal liability of minors and to the determination of penalties apply regardless of whether the crime in question was committed in times of peace or of war.

Children in conflict with the law

257. In order to give protection to the rights and fundamental freedoms of minors, the legislation of Belarus stipulates that criminal liability may be incurred for the commission of certain acts, as described below.

258. Under paragraph 3 of article 115 of the Criminal Code, the rape of a minor girl is punished by deprivation of liberty for periods of between 5 and 15 years. Under paragraph 4 of that article, the rape of a girl child is punished by deprivation of liberty for periods of between 8 and 25 years, or by life imprisonment, or by death. For purposes of comparison, we note that, under paragraph 1 of the same article, rape of a woman of majority age is punished by deprivation of liberty for periods of between three and seven years.

259. Article 117 of the Criminal Code stipulates that sexual intercourse with a person under the age of 16 is punishable by deprivation of liberty for a period of up to three years, while the same actions involving the gratification of depraved sexual urges are punishable by the deprivation of liberty for periods of up to six years.

260. Article 118 of the Criminal Code stipulates that depraved actions performed with a person known to the culprit to be under the age of 16 are punishable by deprivation of liberty for periods of up to three years. Article 119 of the Criminal Code stipulates criminal liability for acts of sodomy with minors, which are punishable by deprivation of liberty for periods of up to eight years.

261. Abduction of a minor is punishable by deprivation of liberty for periods of between 7 and 10 years, while the fraudulent substitution of another's child is punishable by deprivation of liberty for periods of between 3 and 6 years (art. 123 of the Criminal Code).

262. Under paragraph 2 of article 219 (4) of the Criminal Code, inciting a minor to use narcotic substances is punishable by deprivation of liberty for periods of up to 10 years.

263. Inciting a minor to engage in a criminal activity, drunkenness, begging, prostitution or gambling, and living off the earnings of a minor is punishable by deprivation of liberty for periods of up to five years (art. 205 of the Criminal Code).

264. A person causing a minor in his or her official charge to become intoxicated may be punished by deprivation of liberty for periods of up to two years or by punitive deduction of earnings for the same period or by a fine (art. 205 (1) of the Criminal Code).

265. Inciting a minor to consume, for non-medicinal purposes, medical or other substances which cause intoxication is punishable by deprivation of liberty for periods of up to five years (art. 205 (2) of the Criminal Code).

266. Under paragraph 4 of article 113 of the Criminal Code, a person knowingly suffering from a venereal disease who infects a minor with that disease may be punished by deprivation of liberty for periods of up to five years.

267. In addition, the rights and fundamental freedoms of children are further protected by provisions of the Criminal Code which establish criminal liability for:

- Wilful refusal to pay alimony or child maintenance (art. 120 of the Criminal Code);

- Exploiting a guardianship arrangement for personal gain or failing to provide proper supervision and necessary assistance to minors in one's care (art. 122 of the Criminal Code);

- Divulging the secret of adoption (art. 122 (1) of the Criminal Code);

- Refusing to employ or dismissing a woman for reason of pregnancy and also refusing to employ or dismissing a breastfeeding mother for that reason (art. 136 of the Criminal Code); and

- Infringing the law on the separation of church and State and the separation of school and church (art. 139 of the Criminal Code).

268. In addition to those enshrined in law, the protection of the rights of minors are further guaranteed by orders and instructions of the Procurator-General of the Republic of Belarus. The Procurator's attendance in court for criminal proceedings involving the crimes of minors is mandatory, as is his or her attendance at civil proceedings involving the legally enshrined rights and interests of minors.

269. Under article 91 of the Code of Criminal Procedure, when considering whether or not to grant approval for a person to be held in detention, the Procurator must thoroughly investigate all the materials furnishing the grounds for holding that person in custody and, where necessary, personally question the defendant or the suspect. Where such defendant or suspect is a minor, such questioning is mandatory.

270. Under article 202 (2) of the Code of Criminal Procedure, complaints of unwarranted detention are considered by a court sitting in closed session with the attendance of the Procurator, the defence counsel (if the defence counsel is participating in the proceedings) and the legal representative of a minor held in custody.

271. In the commission of crimes by minors, the culprit's age is considered a mitigating factor (art. 37 of the Criminal Code). Inciting a minor to commit a crime, involving a minor in the commission of a crime, or committing a crime against a minor are all considered to be circumstances aggravating liability (art. 38 of the Criminal Code). If a court finds that a crime committed by a minor does not pose any great social danger, it may impose a corrective measure which does not constitute a criminal punishment (art. 10 of the Criminal Code). These measures are listed in the initial report.

272. Minors sentenced to deprivation of liberty and punitive attachment of earnings may be granted conditional releases or have part of their punishment substituted by a milder punishment for good conduct and showing signs of reform (art. 52 of the Criminal Code).

273. In criminal proceedings involving minors, the defence counsel must attend the pre-trial investigation and the court proceedings. When an accused minor is being questioned during the pre-trial investigation, his or her teacher may attend the questioning (art. 150 of the Code of Criminal Procedure). Where necessary, the legal representatives of a minor or his or her close relatives may be summoned.

274. In court proceedings, the parents or legal representatives of an accused minor must be present (art. 282 of the Code of Criminal Procedure); they shall be entitled to participate in the consideration of evidence, to submit evidence and to enter petitions and objections and they may

also be questioned as witnesses. At the initiative of the court, representatives of the enterprise, institution or organization in which the minor studied or worked may also participate in the court proceedings.

275. Under article 334 of the Code of Criminal Procedure, a minor defendant and his or her defence counsel and legal representative are entitled to appeal against the sentence of a judge in cassational proceedings. Regardless whether or not any of these persons has made such an appeal, the Procurator shall be obliged to challenge any unlawful or unwarranted sentence.

276. Under article 240 of the Code of Administrative Procedure, when a minor is placed in administrative custody his or her parents or those in loco parentis must be informed.

277. Article 249 of the Code of Administrative Procedure establishes that, where persons against whom administrative charges have been laid and victims are minors, their interests may be defended by their legal representatives (parents, adoptive parents, tutors and guardians).

278. Employees of law enforcement agencies whose work involves dealing with minors are able to improve their professional skills both through on-the-job training and at special training centres. Thus, officials of the Department for Enforcement of the Laws on Minors under the State Procurators' Office, officials of the corresponding divisions of provincial procurators' offices and assistant procurators responsible for minors' affairs in district and city procurators' offices undergo professional training at the training centre of the State Procurator's Office. Employees of the various services and subunits of the Ministry of Internal Affairs responsible for combating juvenile delinquency undergo yearly professional training courses at the further training centre of the Police Academy of the Ministry of Internal Affairs, while staff of penitentiary establishments undergo training at the Police Academy's Penitentiary Establishments Faculty.

Sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment

279. Work to prevent juvenile delinquency is conducted by subunits of the juvenile affairs inspectorates under the Ministry of Internal Affairs. If it is decided not to institute criminal proceedings against a juvenile offender aged between 14 or 18, or if such proceedings are halted on legal grounds, other corrective measures are imposed by the juvenile affairs commissions set up under the State executive authorities. These measures are not a punishment, but a form of re-education and crime prevention. The juvenile affairs commissions may:

- Limit themselves to a consideration of the case;
- Undertake to offer apologies to the victim;
- Issue a warning;
- Issue a reprimand or a severe reprimand;

- Order a juvenile offender who has reached the age of 15 to pay compensation for the material damage that has been caused, if the offender is a wage-earner and the total amount of the damage does not exceed the minimum wage as gazetted on the date of the commission of the crime;

- Impose a fine on a juvenile offender who has reached the age of 16 and is a wage-earner, the levels of such fines and the circumstances in which they may be imposed being those stipulated by law; or

- Make representations to the court for the referral of the juvenile offender, in the event that rules of acceptable social conduct have been breached, to a special reformatory institution.

280. When handing down a punishment on a person being sentenced for the first time to deprivation of liberty, the court may decide, in the light of the nature and degree of social danger posed by the crime that has been committed, the character of the offender and other circumstances of the case, and also the prospects for reforming and re-educating the offender without isolating him or her from society, to make such sentence conditional or to defer its execution (arts. 43 and 44 (1) of the Criminal Code). On 31 December 1997, certain additions were made to the Criminal Code. As already noted, in accordance with the provisions of article 22-1, life imprisonment may be imposed in Belarus as a punishment for crimes involving premeditated homicide in aggravating circumstances and for certain other crimes. Life imprisonment may not be imposed on persons who committed their crime when under the age of 18. Under article 22 of the Criminal Code, persons under the age of 18 at the time of commission of a crime may not be sentenced to death.

281. Under article 18 of the Corrective Labour Code of the Republic of Belarus the following categories of convicts are kept apart from one another:

- Men serving their first custodial sentence are kept apart from repeat offenders;

- First offenders convicted of crimes not categorized as serious are kept apart from first offenders convicted of serious crimes;

- Women sentenced to deprivation of liberty are kept apart from men;

- Juvenile convicts are kept apart from adult convicts.

282. Juvenile convicts serve their sentences in corrective labour colonies (art. 12 of the Corrective Labour Code). They have improved living conditions, better meals and are provided clothing and food free of charge (art. 40 of the Corrective Labour Code).

283. In response to the growing prevalence of drug-taking throughout the world, particularly among children, certain measures have been adopted in Belarus: thus, its decision No. 582 of 2 September 1996, the Cabinet of Ministers ratified the blueprint for a State policy to monitor narcotic drugs and psychotropic substances and their abuse in the Republic of Belarus; and by its

decision No. 660 of 15 October 1996, it ratified the State programme for a range of measures for the period 1997-2000 to combat the abuse of narcotic drugs and psychotropic substances and their illicit trafficking.

284. Under Belarusian law, criminal liability is incurred for the unlawful preparation, acquisition, possession, theft and sale of narcotic substances, for inciting others to use such substances and for organizing or maintaining unlawful establishments for the use of narcotic drugs (arts. 219, 219-1, 219-2, 219-3, and 219-4 of the Criminal Code).

285. To step up its campaign against drug use and to strengthen the legislation in this area, the Ministry of Internal Affairs and the Ministry of Health passed an order on 16 February 1998 ratifying instructions on the procedure for identifying and registering persons who have engaged in the non-medicinal use of drugs or other narcotic substances, and for the registration and committal to enforced isolation of drug addicts.

286. Belarusian legislation provides both administrative and criminal liability for the manufacture and dissemination of items of a pornographic nature, as well as for materials propagating the cult of violence and cruelty (art. 164 of the Code of Administrative Procedure and arts. 223 and 223-1 of the Criminal Code).

Sale, trafficking and abduction of children

287. As mentioned above, Belarus acceded to the Hague Convention on Civil Aspects of the Abduction of Children on 13 November 1997. Belarusian law stipulates that kidnapping and the substitution of children are criminal offences (art. 123 of the Criminal Code).

CONCLUSION

288. It cannot be denied that a number of difficulties and problems are encountered in the course of implementing the Convention on the Rights of the Child in Belarus. Mention has already been made of the precarious situation of the family as a social institution and the economic problems in the country are such that it is impossible to ensure an appropriate standard of living for children conducive to their full physical and mental development. Particular concern is aroused by children's health and the spread of criminality among minors and also by cases of cruelty and violence against children. Belarusian legislation is still not entirely in line with the provisions of the Convention on the Rights of the Child. Nor has it been possible, as yet, to set in place the child welfare structures provided for in the Belarusian Rights of the Child Act. In 1999 and the years that follow the relevant State authorities and voluntary organizations are continuing their efforts to resolve these and other problems relating to the implementation of children's rights.

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